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**ADMINISTRATIVE RULES AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: Marc K. Roberts

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to administrative rulemaking.

**Highlighted Provisions:**

This bill:

- ▶ creates and modifies definitions;
- ▶ creates a director position within the Office of Administrative Rules and defines the duties of the director;
- ▶ requires the Office of Administrative Rules to make administrative rules regarding the administrative rulemaking process;
- ▶ modifies the duties of the executive director of the Department of Administrative Rules;
- ▶ clarifies that rulemaking grants in education related sections are subject to the Utah Administrative Rulemaking Act; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

S.B. 229



- 28            **53E-1-102**, as last amended by Laws of Utah 2019, Chapter 186
- 29            **53E-3-401**, as last amended by Laws of Utah 2019, Chapter 186
- 30            **53E-3-503**, as last amended by Laws of Utah 2019, Chapters 186 and 187
- 31            **53E-3-505**, as last amended by Laws of Utah 2019, Chapters 186 and 226
- 32            **53E-3-508**, as last amended by Laws of Utah 2019, Chapter 186
- 33            **53E-3-512**, as last amended by Laws of Utah 2019, Chapter 186
- 34            **53E-3-516**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 35            **53E-3-519**, as enacted by Laws of Utah 2019, Chapter 41
- 36            **53E-4-205**, as last amended by Laws of Utah 2019, Chapter 186
- 37            **53E-4-206**, as last amended by Laws of Utah 2019, Chapter 186
- 38            **53E-4-302**, as last amended by Laws of Utah 2019, Chapter 186
- 39            **53E-4-408**, as last amended by Laws of Utah 2019, Chapter 186
- 40            **53E-5-202**, as last amended by Laws of Utah 2019, Chapter 186
- 41            **53E-5-301**, as last amended by Laws of Utah 2019, Chapter 186
- 42            **53E-5-305**, as last amended by Laws of Utah 2019, Chapter 186
- 43            **53E-5-306**, as last amended by Laws of Utah 2019, Chapter 186
- 44            **53E-5-308**, as last amended by Laws of Utah 2019, Chapter 186
- 45            **53E-5-309**, as last amended by Laws of Utah 2019, Chapter 186
- 46            **53E-6-201**, as last amended by Laws of Utah 2019, Chapter 186
- 47            **53E-6-301**, as last amended by Laws of Utah 2019, Chapter 186
- 48            **53E-6-302**, as last amended by Laws of Utah 2019, Chapter 186
- 49            **53E-6-902**, as last amended by Laws of Utah 2019, Chapter 186
- 50            **53E-6-903**, as renumbered and amended by Laws of Utah 2019, Chapter 487
- 51            **53E-8-204**, as last amended by Laws of Utah 2019, Chapters 186, 314, and 324
- 52            **53E-8-401**, as last amended by Laws of Utah 2019, Chapters 186 and 314
- 53            **53E-8-409**, as last amended by Laws of Utah 2019, Chapters 186 and 314
- 54            **53E-9-301**, as last amended by Laws of Utah 2019, Chapters 87, 175, 186, and 342
- 55            **53E-9-302**, as last amended by Laws of Utah 2019, Chapter 186
- 56            **53E-9-304**, as last amended by Laws of Utah 2019, Chapter 186
- 57            **53E-9-306**, as last amended by Laws of Utah 2019, Chapter 186
- 58            **53E-9-307**, as last amended by Laws of Utah 2019, Chapter 186

- 59 [53E-10-703](#), as last amended by Laws of Utah 2019, Chapters 186 and 324
- 60 [53E-10-705](#), as last amended by Laws of Utah 2019, Chapter 186
- 61 [53F-2-303](#), as last amended by Laws of Utah 2019, Chapter 186
- 62 [53F-2-304](#), as last amended by Laws of Utah 2019, Chapter 186
- 63 [53F-2-305](#), as last amended by Laws of Utah 2019, Chapter 186
- 64 [53F-2-307](#), as last amended by Laws of Utah 2019, Chapter 186
- 65 [53F-2-309](#), as last amended by Laws of Utah 2019, Chapters 186 and 324
- 66 [53F-2-404](#), as last amended by Laws of Utah 2019, Chapters 186 and 191
- 67 [53F-2-405](#), as last amended by Laws of Utah 2019, Chapter 186
- 68 [53F-2-409](#), as last amended by Laws of Utah 2019, Chapters 136 and 186
- 69 [53F-2-415](#), as enacted by Laws of Utah 2019, Chapter 446
- 70 [53F-2-416](#), as enacted by Laws of Utah 2019, Chapter 505
- 71 [53F-2-417](#), as enacted by Laws of Utah 2019, Chapter 408
- 72 [53F-2-502](#), as last amended by Laws of Utah 2019, Chapter 186
- 73 [53F-2-503](#), as last amended by Laws of Utah 2019, Chapters 186 and 324
- 74 [53F-2-506](#), as last amended by Laws of Utah 2019, Chapter 186
- 75 [53F-2-508](#), as last amended by Laws of Utah 2019, Chapters 186 and 324
- 76 [53F-2-510](#), as last amended by Laws of Utah 2019, Chapters 186 and 324
- 77 [53F-2-511](#), as last amended by Laws of Utah 2019, Chapter 186
- 78 [53F-2-512](#), as last amended by Laws of Utah 2019, Chapters 186 and 324
- 79 [53F-2-513](#), as last amended by Laws of Utah 2019, Chapter 186
- 80 [53F-2-514](#), as last amended by Laws of Utah 2019, Chapter 186
- 81 [53F-2-520](#), as last amended by Laws of Utah 2019, Chapter 186 and renumbered and
- 82 amended by Laws of Utah 2019, Chapter 408
- 83 [53F-4-205](#), as last amended by Laws of Utah 2019, Chapter 186
- 84 [53F-4-304](#), as last amended by Laws of Utah 2019, Chapter 186
- 85 [53F-4-305](#), as last amended by Laws of Utah 2019, Chapter 186
- 86 [53F-4-514](#), as last amended by Laws of Utah 2019, Chapter 186
- 87 [53F-5-201](#), as last amended by Laws of Utah 2019, Chapter 186
- 88 [53F-5-202](#), as last amended by Laws of Utah 2019, Chapters 186 and 283
- 89 [53F-5-204](#), as last amended by Laws of Utah 2019, Chapters 186 and 324

- 90 **53F-5-205**, as last amended by Laws of Utah 2019, Chapter 186
- 91 **53F-5-209**, as last amended by Laws of Utah 2019, Chapter 186
- 92 **53F-5-210**, as last amended by Laws of Utah 2019, Chapter 186
- 93 **53F-5-212**, as enacted by Laws of Utah 2019, Chapter 173
- 94 **53F-5-406**, as last amended by Laws of Utah 2019, Chapter 186
- 95 **53F-5-502**, as last amended by Laws of Utah 2019, Chapter 186
- 96 **53F-5-506**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 97 **53F-5-603**, as last amended by Laws of Utah 2019, Chapter 186
- 98 **53F-9-401**, as last amended by Laws of Utah 2019, Chapter 186
- 99 **53G-4-410**, as last amended by Laws of Utah 2019, Chapter 293
- 100 **53G-5-205**, as last amended by Laws of Utah 2019, Chapter 293
- 101 **53G-5-304**, as last amended by Laws of Utah 2019, Chapter 293
- 102 **53G-5-406**, as last amended by Laws of Utah 2019, Chapter 293
- 103 **53G-5-501**, as last amended by Laws of Utah 2019, Chapter 293
- 104 **53G-5-503**, as last amended by Laws of Utah 2019, Chapter 293
- 105 **53G-5-504**, as last amended by Laws of Utah 2019, Chapter 293
- 106 **53G-6-302**, as last amended by Laws of Utah 2019, Chapters 293 and 316
- 107 **53G-6-504**, as last amended by Laws of Utah 2019, Chapter 293
- 108 **53G-6-702**, as last amended by Laws of Utah 2019, Chapter 293
- 109 **53G-6-803**, as last amended by Laws of Utah 2019, Chapters 202 and 293
- 110 **53G-7-306**, as last amended by Laws of Utah 2019, Chapter 293
- 111 **53G-7-503**, as last amended by Laws of Utah 2019, Chapters 223 and 293
- 112 **53G-7-504**, as last amended by Laws of Utah 2019, Chapters 223 and 293
- 113 **53G-7-1004**, as last amended by Laws of Utah 2019, Chapter 293
- 114 **53G-7-1206**, as last amended by Laws of Utah 2019, Chapters 293 and 505
- 115 **53G-7-1304**, as enacted by Laws of Utah 2019, Chapter 505
- 116 **53G-7-1306**, as enacted by Laws of Utah 2019, Chapter 505
- 117 **53G-8-702**, as last amended by Laws of Utah 2019, Chapters 293 and 441
- 118 **53G-8-802**, as enacted by Laws of Utah 2019, Chapter 441
- 119 **53G-9-607**, as last amended by Laws of Utah 2019, Chapter 293
- 120 **53G-9-704**, as last amended by Laws of Utah 2019, Chapter 293

- 121 [53G-9-801](#), as last amended by Laws of Utah 2019, Chapter 293
- 122 [53G-10-304](#), as last amended by Laws of Utah 2019, Chapter 293
- 123 [53G-10-402](#), as last amended by Laws of Utah 2019, Chapters 196 and 293
- 124 [53G-10-406](#), as last amended by Laws of Utah 2019, Chapter 293
- 125 [53G-10-502](#), as last amended by Laws of Utah 2019, Chapter 293
- 126 [53G-10-507](#), as last amended by Laws of Utah 2019, Chapter 293
- 127 [53G-10-508](#), as last amended by Laws of Utah 2019, Chapters 293 and 325
- 128 [53G-11-304](#), as enacted by Laws of Utah 2019, Chapter 205
- 129 [53G-11-504](#), as last amended by Laws of Utah 2019, Chapter 293
- 130 [53G-11-508](#), as last amended by Laws of Utah 2019, Chapter 293
- 131 [53G-11-510](#), as last amended by Laws of Utah 2019, Chapter 293
- 132 [53G-11-511](#), as last amended by Laws of Utah 2019, Chapters 293 and 324
- 133 [53G-11-518](#), as last amended by Laws of Utah 2019, Chapter 293
- 134 [63A-1-105.5](#), as last amended by Laws of Utah 2008, Chapter 382
- 135 [63G-3-102](#), as last amended by Laws of Utah 2018, Chapter 281
- 136 [63G-3-201](#), as last amended by Laws of Utah 2018, Chapter 325
- 137 [63G-3-301](#), as last amended by Laws of Utah 2019, Chapter 454
- 138 [63G-3-401](#), as last amended by Laws of Utah 2016, Chapter 193
- 139 [63G-3-402](#), as last amended by Laws of Utah 2016, Chapter 193
- 140 [63G-3-403](#), as last amended by Laws of Utah 2016, Chapter 193
- 141 [63G-3-601](#), as last amended by Laws of Utah 2017, Chapter 181

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143 *Be it enacted by the Legislature of the state of Utah:*

144 Section 1. Section **53E-1-102** is amended to read:

145 **53E-1-102. Public education code definitions.**

146 Unless otherwise indicated, as used in this title, Title 53F, Public Education System --  
 147 Funding, and Title 53G, Public Education System -- Local Administration:

- 148 (1) "Charter agreement" means an agreement made in accordance with Section
- 149 [53G-5-303](#) that authorizes the operation of a charter school.
- 150 (2) "Charter school governing board" means the board that governs a charter school.
- 151 (3) "District school" means a public school under the control of a local school board.

152 (4) "Individualized education program" or "IEP" means a written statement for a  
153 student with a disability that is developed, reviewed, and revised in accordance with the  
154 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

155 (5) "LEA governing board" means:

- 156 (a) for a school district, the local school board;
- 157 (b) for a charter school, the charter school governing board; or
- 158 (c) for the Utah Schools for the Deaf and the Blind, the state board.

159 (6) "Local education agency" or "LEA" means:

- 160 (a) a school district;
- 161 (b) a charter school; or
- 162 (c) the Utah Schools for the Deaf and the Blind.

163 (7) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,  
164 Election of Members of Local Boards of Education.

165 (8) "Minimum School Program" means the same as that term is defined in Section  
166 53F-2-102.

167 (9) "Parent" means a parent or legal guardian.

168 (10) "Public education code" means:

- 169 (a) this title;
- 170 (b) Title 53F, Public Education System -- Funding; and
- 171 (c) Title 53G, Public Education System -- Local Administration.

172 [~~(11) "Rule" means a rule made in accordance with Title 63G, Chapter 3, Utah~~  
173 ~~Administrative Rulemaking Act.~~]

174 [~~(12)~~] (11) "Section 504 accommodation plan" means a plan developed in accordance  
175 with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student  
176 with a disability, to meet the student's educational needs and ensure equitable access to a free  
177 appropriate public education.

178 [~~(13)~~] (12) "State board" means the State Board of Education.

179 [~~(14)~~] (13) "State superintendent" means the state superintendent of public instruction  
180 appointed under Section 53E-3-301.

181 Section 2. Section 53E-3-401 is amended to read:

182 **53E-3-401. Powers of the state board -- Adoption of rules -- Enforcement --**

183 **Attorney.**

184 (1) As used in this section:

185 (a) "Education entity" means:

186 (i) an entity that receives a distribution of state funds through a grant program managed

187 by the state board under this public education code;

188 (ii) an entity that enters into a contract with the state board to provide an educational

189 good or service;

190 (iii) a school district; or

191 (iv) a charter school.

192 (b) "Educational good or service" means a good or service that is required or regulated

193 under:

194 (i) this public education code; or

195 (ii) a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
196 Rulemaking Act, and authorized under this public education code.

197 (2) (a) The state board has general control and supervision of the state's public  
198 education system.

199 (b) "General control and supervision" as used in Utah Constitution, Article X, Section  
200 3, means directed to the whole system.

201 (3) The state board may not govern, manage, or operate school districts, institutions,  
202 and programs, unless granted that authority by statute.

203 (4) (a) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative  
204 Rulemaking Act, the state board may make rules to execute the state board's duties and  
205 responsibilities under the Utah Constitution and state law.

206 (b) The state board may delegate the state board's statutory duties and responsibilities  
207 to state board employees.

208 (5) (a) The state board may sell any interest it holds in real property upon a finding by  
209 the state board that the property interest is surplus.

210 (b) The state board may use the money it receives from a sale under Subsection (5)(a)  
211 for capital improvements, equipment, or materials, but not for personnel or ongoing costs.

212 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency  
213 or institution administered by the state board, the money may only be used for purposes related

214 to the agency or institution.

215 (d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and  
216 related matters during the next following session of the Legislature.

217 (6) The state board shall develop policies and procedures related to federal educational  
218 programs in accordance with Part 8, Implementing Federal or National Education Programs.

219 (7) On or before December 31, 2010, the state board shall review mandates or  
220 requirements provided for in state board rule to determine whether certain mandates or  
221 requirements could be waived to remove funding pressures on public schools on a temporary  
222 basis.

223 (8) (a) If an education entity violates this public education code or rules authorized  
224 under this public education code, the state board may, in accordance with the rules described in  
225 Subsection (8)(c):

226 (i) require the education entity to enter into a corrective action agreement with the state  
227 board;

228 (ii) temporarily or permanently withhold state funds from the education entity;

229 (iii) require the education entity to pay a penalty; or

230 (iv) require the education entity to reimburse specified state funds to the state board.

231 (b) Except for temporarily withheld funds, if the state board collects state funds under  
232 Subsection (8)(a), the state board shall pay the funds into the Uniform School Fund.

233 (c) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
234 Act, the state board shall make rules:

235 (i) that require notice and an opportunity to be heard for an education entity affected by  
236 a state board action described in Subsection (8)(a); and

237 (ii) to administer this Subsection (8).

238 (d) (i) An individual may bring a violation of statute or state board rule to the attention  
239 of the state board in accordance with a process described in rule adopted by the state board.

240 (ii) If the state board identifies a violation of statute or state board rule as a result of the  
241 process described in Subsection (8)(d)(i), the state board may take action in accordance with  
242 this section.

243 (e) The state board shall report criminal conduct of an education entity to the district  
244 attorney of the county where the education entity is located.



245 (9) The state board may audit the use of state funds by an education entity that receives  
246 those state funds as a distribution from the state board.

247 (10) The state board may require, by rule made in accordance with Title 63G, Chapter  
248 3, Utah Administrative Rulemaking Act, that if an LEA contracts with a third party contractor  
249 for an educational good or service, the LEA shall require in the contract that the third party  
250 contractor shall provide, upon request of the LEA, information necessary for the LEA to verify  
251 that the educational good or service complies with:

252 (a) this public education code; and

253 (b) state board rule authorized under this public education code.

254 (11) (a) The state board may appoint an attorney to provide legal advice to the state  
255 board and coordinate legal affairs for the state board and the state board's employees.

256 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the  
257 Attorney General.

258 (c) An attorney described in Subsection (11)(a) may not:

259 (i) conduct litigation;

260 (ii) settle claims covered by the Risk Management Fund created in Section [63A-4-201](#);

261 or

262 (iii) issue formal legal opinions.

263 (12) The state board shall ensure that any training or certification that an employee of  
264 the public education system is required to complete under this title or by rule complies with  
265 Title 63G, Chapter 22, State Training and Certification Requirements.

266 Section 3. Section **53E-3-503** is amended to read:

267 **53E-3-503. Education of individuals in custody of or receiving services from**  
268 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

269 (1) (a) The state board is directly responsible for the education of all individuals who  
270 are:

271 (i) (A) younger than 21 years old; or

272 (B) eligible for special education services as described in Chapter 7, Part 2, Special  
273 Education Program; and

274 (ii) (A) receiving services from the Department of Human Services;

275 (B) in the custody of an equivalent agency of a Native American tribe recognized by

276 the United States Bureau of Indian Affairs and whose custodial parent resides within the state;  
277 or

278 (C) being held in a juvenile detention facility.

279 (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah  
280 Administrative Rulemaking Act, to provide for the distribution of funds for the education of  
281 individuals described in Subsection (1)(a).

282 (2) Subsection (1)(a)(ii)(B) does not apply to an individual taken into custody for the  
283 primary purpose of obtaining access to education programs provided for youth in custody.

284 (3) The state board shall, where feasible, contract with school districts or other  
285 appropriate agencies to provide educational, administrative, and supportive services, but the  
286 state board shall retain responsibility for the programs.

287 (4) The Legislature shall establish and maintain separate education budget categories  
288 for youth in custody or who are under the jurisdiction of the following state agencies:

289 (a) detention centers and the Divisions of Juvenile Justice Services and Child and  
290 Family Services;

291 (b) the Division of Substance Abuse and Mental Health; and

292 (c) the Division of Services for People with Disabilities.

293 (5) (a) The Department of Human Services and the state board shall appoint a  
294 coordinating council to plan, coordinate, and recommend budget, policy, and program  
295 guidelines for the education and treatment of persons in the custody of the Division of Juvenile  
296 Justice Services and the Division of Child and Family Services.

297 (b) The Department of Human Services and the state board may appoint similar  
298 councils for those in the custody of the Division of Substance Abuse and Mental Health or the  
299 Division of Services for People with Disabilities.

300 (6) A school district contracting to provide services under Subsection (3) shall  
301 establish an advisory council to plan, coordinate, and review education and treatment programs  
302 for individuals held in custody in the district.

303 Section 4. Section **53E-3-505** is amended to read:

304 **53E-3-505. Financial and economic literacy education.**

305 (1) As used in this section:

306 (a) "Financial and economic activities" include activities related to the topics listed in

307 Subsection (1)(b).

308 (b) "Financial and economic literacy concepts" include concepts related to the  
309 following topics:

310 (i) basic budgeting;

311 (ii) saving and financial investments;

312 (iii) banking and financial services, including balancing a checkbook or a bank account  
313 and online banking services;

314 (iv) career management, including earning an income;

315 (v) rights and responsibilities of renting or buying a home;

316 (vi) retirement planning;

317 (vii) loans and borrowing money, including interest, credit card debt, predatory  
318 lending, and payday loans;

319 (viii) insurance;

320 (ix) federal, state, and local taxes;

321 (x) charitable giving;

322 (xi) identity fraud and theft;

323 (xii) negative financial consequences of gambling;

324 (xiii) bankruptcy;

325 (xiv) economic systems, including a description of:

326 (A) a command system such as socialism or communism, a market system such as  
327 capitalism, and a mixed system; and

328 (B) historic and current examples of the effects of each economic system on economic  
329 growth;

330 (xv) supply and demand;

331 (xvi) monetary and fiscal policy;

332 (xvii) effective business plan creation, including using economic analysis in creating a  
333 plan;

334 (xviii) scarcity and choices;

335 (xix) opportunity cost and tradeoffs;

336 (xx) productivity;

337 (xxi) entrepreneurism; and

338 (xxii) economic reasoning.  
339 (c) "General financial literacy course" means the course of instruction administered by  
340 the state board under Subsection (3).  
341 (2) The state board shall:  
342 (a) more fully integrate existing and new financial and economic literacy education into  
343 instruction in kindergarten through grade 12 by:  
344 (i) coordinating financial and economic literacy instruction with existing instruction in  
345 other areas of the core standards for Utah public schools, such as mathematics and social  
346 studies;  
347 (ii) using curriculum mapping;  
348 (iii) creating training materials and staff development programs that:  
349 (A) highlight areas of potential coordination between financial and economic literacy  
350 education and other core standards for Utah public schools concepts; and  
351 (B) demonstrate specific examples of financial and economic literacy concepts as a  
352 way of teaching other core standards for Utah public schools concepts; and  
353 (iv) using appropriate financial and economic literacy assessments to improve financial  
354 and economic literacy education and, if necessary, developing assessments;  
355 (b) work with interested public, private, and nonprofit entities to:  
356 (i) identify, and make available to teachers, online resources for financial and  
357 economic literacy education, including modules with interactive activities and turnkey  
358 instructor resources;  
359 (ii) coordinate school use of existing financial and economic literacy education  
360 resources;  
361 (iii) develop simple, clear, and consistent messaging to reinforce and link existing  
362 financial literacy resources;  
363 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial  
364 education providers in implementing methods of appropriately communicating to teachers,  
365 students, and parents key financial and economic literacy messages; and  
366 (v) encourage parents and students to establish higher education savings, including a  
367 Utah Educational Savings Plan account;  
368 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

369 make rules to develop guidelines and methods for school districts and charter schools to more  
370 fully integrate financial and economic literacy education into other core standards for Utah  
371 public schools courses; and

372 (d) in cooperation with school districts, charter schools, and interested private and  
373 nonprofit entities, provide opportunities for professional development in financial and  
374 economic literacy concepts to teachers, including:

375 (i) a statewide learning community for financial and economic literacy;  
376 (ii) summer workshops; and  
377 (iii) online videos of experts in the field of financial and economic literacy education.

378 (3) The state board shall:

379 (a) administer a general financial literacy course in the same manner that the state  
380 board administers other core standards for Utah public school courses for grades 9 through 12;

381 (b) adopt standards and objectives for the general financial literacy course that address:

382 (i) financial and economic literacy concepts;  
383 (ii) the costs of going to college, student loans, scholarships, and the Free Application  
384 for Federal Student Aid;

385 (iii) financial benefits of pursuing concurrent enrollment as defined in Section  
386 [53E-10-301](#); and

387 (iv) technology that relates to banking, savings, and financial products; and

388 (c) (i) contract with a provider, through a request for proposals process, to develop an  
389 online, end-of-course assessment for the general financial literacy course;

390 (ii) require a school district or charter school to administer an online, end-of-course  
391 assessment to a student who takes the general financial literacy course; and

392 (iii) develop a plan, through the state superintendent, to analyze the results of an  
393 online, end-of-course assessment in general financial literacy that includes:

394 (A) an analysis of assessment results by standard; and

395 (B) average scores statewide and by school district and school.

396 (4) (a) The state board shall establish a task force to study and make recommendations  
397 to the state board on how to improve financial and economic literacy education in the public  
398 school system.

399 (b) The task force membership shall include representatives of:  
400 (i) the state board;  
401 (ii) school districts and charter schools;  
402 (iii) the State Board of Regents; and  
403 (iv) private or public entities that teach financial education and share a commitment to  
404 empower individuals and families to achieve economic stability, opportunity, and upward  
405 mobility.

406 (c) The state board shall convene the task force at least once every three years to  
407 review and recommend adjustments to the standards and objectives of the general financial  
408 literacy course.

409 Section 5. Section **53E-3-508** is amended to read:

410 **53E-3-508. Rulemaking -- Standards for high quality programs operating outside**  
411 **of the regular school day.**

412 (1) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
413 Act, the state board shall, in consultation with the Department of Workforce Services, make  
414 rules that describe the standards for a high quality program operating outside of the regular  
415 school day:

- 416 (a) for elementary or secondary students; and
- 417 (b) offered by a:
  - 418 (i) school district;
  - 419 (ii) charter school;
  - 420 (iii) private provider, including a non-profit provider; or
  - 421 (iv) municipality.

422 (2) The standards described in Subsection (1) shall specify that a high quality program  
423 operating outside of the regular school day:

- 424 (a) provides a safe, healthy, and nurturing environment for all participants;
- 425 (b) develops and maintains positive relationships among staff, participants, families,  
426 schools, and communities;
- 427 (c) encourages participants to learn new skills; and
- 428 (d) is effectively administered.

429 Section 6. Section **53E-3-512** is amended to read:

430           **53E-3-512. State board rules establishing basic ethical conduct standards --**  
431 **Local school board policies.**

432           (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
433 Act, the state board shall make rules that establish basic ethical conduct standards for public  
434 education employees who provide education-related services outside of their regular  
435 employment to their current or prospective public school students.

436           (2) The rules shall provide that a local school board may adopt policies implementing  
437 the standards and addressing circumstances present in the district.

438           Section 7. Section **53E-3-516** is amended to read:

439           **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**  
440 **authority.**

441           (1) As used in this section:

442           (a) "Disciplinary action" means an action by a public school meant to formally  
443 discipline a student of that public school that includes a suspension or expulsion.

444           (b) "Law enforcement agency" means the same as that term is defined in Section  
445 [77-7a-103](#).

446           (c) "Minor" means the same as that term is defined in Section [53G-6-201](#).

447           (d) "Other law enforcement activity" means a significant law enforcement interaction  
448 with a minor that does not result in an arrest, including:

- 449           (i) a search and seizure by an SRO;  
450           (ii) issuance of a criminal citation;  
451           (iii) issuance of a ticket or summons;  
452           (iv) filing a delinquency petition; or  
453           (v) referral to a probation officer.

454           (e) "School is in session" means the hours of a day during which a public school  
455 conducts instruction for which student attendance is counted toward calculating average daily  
456 membership.

457           (f) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,  
458 clinic, or other event or activity that is authorized by a specific public school, according to LEA  
459 governing board policy, and satisfies at least one of the following conditions:

460           (A) the activity is managed or supervised by a school district, public school, or public

461 school employee;

462 (B) the activity uses the school district or public school facilities, equipment, or other  
463 school resources; or

464 (C) the activity is supported or subsidized, more than inconsequentially, by public  
465 funds, including the public school's activity funds or Minimum School Program dollars.

466 (ii) "School-sponsored activity" includes preparation for and involvement in a public  
467 performance, contest, athletic competition, demonstration, display, or club activity.

468 (g) "Student resource officer" or "SRO" means the same as that term is defined in  
469 Section [53G-8-701](#).

470 (2) Beginning on July 1, 2020, the state board, in collaboration with school districts,  
471 charter schools, and law enforcement agencies, shall develop an annual report regarding the  
472 following incidents that occur on school grounds while school is in session or during a  
473 school-sponsored activity:

- 474 (a) arrests of a minor;
- 475 (b) other law enforcement activities; and
- 476 (c) disciplinary actions.

477 (3) The report described in Subsection (2) shall include the following information by  
478 school district and charter school:

- 479 (a) the number of arrests of a minor, including the reason why the minor was arrested;
- 480 (b) the number of other law enforcement activities, including the following information

481 for each incident:

- 482 (i) the reason for the other law enforcement activity; and
- 483 (ii) the type of other law enforcement activity used;
- 484 (c) the number of disciplinary actions imposed, including:
  - 485 (i) the reason for the disciplinary action; and
  - 486 (ii) the type of disciplinary action; and
  - 487 (d) the number of SROs employed.

488 (4) The report described in Subsection (2) shall include the following information, in  
489 aggregate, for each element described in Subsections (3)(a) through (c):

- 490 (a) age;
- 491 (b) grade level;



- 492 (c) race;  
493 (d) sex; and  
494 (e) disability status.

495 (5) Information included in the annual report described in Subsection (2) shall comply  
496 with:

- 497 (a) Chapter 9, Part 3, Student Data Protection;  
498 (b) Chapter 9, Part 2, Student Privacy; and  
499 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

500 (6) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
501 Act, the state board shall make rules to compile the report described in Subsection (2).

502 (7) The state board shall provide the report described in Subsection (2) in accordance  
503 with Section [53E-1-203](#) for incidents that occurred during the previous school year.

504 Section 8. Section **53E-3-519** is amended to read:

505 **53E-3-519. School counselor services.**

506 (1) No later than July 1, 2019, the state board shall make rules in accordance with Title  
507 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying:

- 508 (a) the recommended direct and indirect services a school counselor may provide;  
509 (b) the recommended amount of time a school counselor may spend on direct and  
510 indirect services; and  
511 (c) recommended activities for a school counselor.

512 (2) No later than November 30, 2019, the state board shall prepare and submit to the  
513 Education Interim Committee a report on the state board's strategic efforts to address  
514 counseling services in schools.

515 Section 9. Section **53E-4-205** is amended to read:

516 **53E-4-205. American civics education initiative.**

517 (1) As used in this section:

518 (a) "Adult education program" means an organized educational program below the  
519 postsecondary level, other than a regular full-time K-12 secondary education program,  
520 provided by an LEA or nonprofit organization that provides the opportunity for an adult to  
521 further the adult's high school level education.

522 (b) "Basic civics test" means a test that includes 50 of the 100 questions on the civics

523 test form used by the United States Citizenship and Immigration Services:

524 (i) to determine that an individual applying for United States citizenship meets the  
525 basic citizenship skills specified in 8 U.S.C. Sec. 1423; and

526 (ii) in accordance with 8 C.F.R. Sec. 312.2.

527 (2) (a) Except as provided in Subsection (2)(b), the state board shall require:

528 (i) a public school student who graduates on or after January 1, 2016, to pass a basic  
529 civics test as a condition for receiving a high school diploma; and

530 (ii) a student enrolled in an adult education program to pass a basic civics test as a  
531 condition for receiving an adult education secondary diploma.

532 (b) The state board may require a public school student to pass an alternate assessment  
533 instead of a basic civics test if the student qualifies for an alternate assessment, as defined in  
534 state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
535 Rulemaking Act.

536 (3) An individual who correctly answers a minimum of 35 out of the 50 questions on a  
537 basic civics test passes the test and an individual who correctly answers fewer than 35 out of 50  
538 questions on a basic civics test does not pass the test.

539 (4) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
540 Act, the state board shall make rules that:

541 (a) require an LEA that serves secondary students to administer a basic civics test or  
542 alternate assessment to a public school student enrolled in the LEA;

543 (b) require an adult education program provider to administer a basic civics test to an  
544 individual who intends to receive an adult education secondary diploma;

545 (c) allow an individual to take a basic civics test as many times as needed in order to  
546 pass the test; and

547 (d) for the alternate assessment described in Subsection (2)(b), describe:

548 (i) the content of an alternate assessment;

549 (ii) how a public school student qualifies for an alternate assessment; and

550 (iii) how an LEA determines if a student passes an alternate assessment.

551 Section 10. Section **53E-4-206** is amended to read:

552 **53E-4-206. Career and college readiness mathematics competency standards.**

553 (1) As used in this section, "qualifying score" means a score established as described in

554 Subsection (4), that, if met by a student, qualifies the student to receive college credit for a  
555 mathematics course that satisfies the state system of higher education quantitative literacy  
556 requirement.

557 (2) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
558 Act, the state board shall make rules that:

559 (a) (i) establish the mathematics competency standards described in Subsection (3) as a  
560 graduation requirement beginning with the 2016-17 school year; and

561 (ii) include the qualifying scores described in Subsection (4); and

562 (b) establish systematic reporting of college and career ready mathematics  
563 achievement.

564 (3) In addition to other graduation requirements established by the state board, a  
565 student shall fulfill one of the following requirements to demonstrate mathematics competency  
566 that supports the student's future college and career goals as outlined in the student's college  
567 and career plan:

568 (a) for a student pursuing a college degree after graduation:

569 (i) receive a score that at least meets the qualifying score for:

570 (A) an Advanced Placement calculus or statistics exam;

571 (B) an International Baccalaureate higher level mathematics exam;

572 (C) a college-level math placement test described in Subsection (5);

573 (D) a College Level Examination Program precalculus or calculus exam; or

574 (E) the ACT Mathematics Test; or

575 (ii) receive at least a "C" grade in a concurrent enrollment mathematics course that  
576 satisfies the state system of higher education quantitative literacy requirement;

577 (b) for a non college degree-seeking student, the student shall complete appropriate  
578 math competencies for the student's career goals as described in the student's college and career  
579 plan;

580 (c) for a student with an individualized education program prepared in accordance with  
581 the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., the student shall  
582 meet the mathematics standards described in the student's individualized education program; or

583 (d) for a senior student with special circumstances as described in state board rule  
584 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

585 student shall fulfill a requirement associated with the student's special circumstances, as  
586 established in state board rule.

587 (4) The State Board of Regents shall, in consultation with the state board, determine  
588 qualifying scores for the tests and exams described in Subsection (3)(a)(i).

589 (5) The State Board of Regents, established in Section 53B-1-103, shall make a policy  
590 to select at least two tests for college-level math placement.

591 (6) The State Board of Regents shall, in consultation with the state board, make  
592 policies to:

593 (a) develop mechanisms for a student who completes a math competency requirement  
594 described in Subsection (3)(a) to:

595 (i) receive college credit; and

596 (ii) satisfy the state system of higher education quantitative literacy requirement;

597 (b) allow a student, upon completion of required high school mathematics courses with  
598 at least a "C" grade, entry into a mathematics concurrent enrollment course;

599 (c) increase access to a range of mathematics concurrent enrollment courses;

600 (d) establish a consistent concurrent enrollment course approval process; and

601 (e) establish a consistent process to qualify high school teachers with an upper level  
602 mathematics endorsement to teach entry level mathematics concurrent enrollment courses.

603 Section 11. Section 53E-4-302 is amended to read:

604 **53E-4-302. Statewide assessments -- Duties of the state board.**

605 (1) The state board shall:

606 (a) require the state superintendent to:

607 (i) submit and recommend statewide assessments to the state board for adoption by the  
608 state board; and

609 (ii) distribute the statewide assessments adopted by the state board to a school district  
610 or charter school;

611 (b) provide for the state to participate in the National Assessment of Educational  
612 Progress state-by-state comparison testing program; and

613 (c) require a school district or charter school to administer statewide assessments.

614 (2) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
615 Act, the state board shall make rules for the administration of statewide assessments.

616 (3) The state board shall ensure that statewide assessments are administered in  
617 compliance with the requirements of Chapter 9, Student Privacy and Data Protection.

618 Section 12. Section **53E-4-408** is amended to read:

619 **53E-4-408. Instructional materials alignment with core standards for Utah public**  
620 **schools.**

621 (1) For a school year beginning with or after the 2012-13 school year, a school district  
622 may not purchase primary instructional materials unless the primary instructional materials  
623 provider:

624 (a) contracts with an independent party to evaluate and map the alignment of the  
625 primary instructional materials with the core standards for Utah public schools adopted under  
626 Section **53E-3-501**;

627 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public  
628 website at no charge, for use by teachers and the general public; and

629 (c) pays the costs related to the requirements of this Subsection (1).

630 (2) The requirements under Subsection (1) may not be performed by:

631 (a) the state board;

632 (b) the state superintendent or employees of the state board;

633 (c) the State Instructional Materials Commission appointed pursuant to Section  
634 **53E-4-402**;

635 (d) a local school board or a school district; or

636 (e) the instructional materials creator or publisher.

637 (3) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
638 Act, the state board shall make rules that establish:

639 (a) the qualifications of the independent parties who may evaluate and map the  
640 alignment of the primary instructional materials in accordance with the provisions of  
641 Subsection (1)(a); and

642 (b) requirements for the detailed summary of the evaluation and its placement on a  
643 public website in accordance with the provisions of Subsection (1)(b).

644 Section 13. Section **53E-5-202** is amended to read:

645 **53E-5-202. Statewide school accountability system -- State board rulemaking.**

646 (1) There is established a statewide school accountability system.

647 (2) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
648 Act, the state board shall make rules to implement the school accountability system in  
649 accordance with this part.

650 Section 14. Section **53E-5-301** is amended to read:

651 **53E-5-301. Definitions.**

652 As used in this part:

653 (1) "Charter school authorizer" means the same as that term is defined in Section  
654 [53G-5-102](#).

655 (2) "Educator" means the same as that term is defined in Section [53E-6-102](#).

656 (3) "Final remedial year" means the second school year following the initial remedial  
657 year.

658 (4) "Independent school turnaround expert" or "turnaround expert" means a person  
659 identified by the state board under Section [53E-5-305](#).

660 (5) "Initial remedial year" means the school year a district school or charter school is  
661 designated as a low performing school under Section [53E-5-302](#).

662 (6) "LEA governing board" means a local school board or charter school governing  
663 board.

664 (7) "Low performing school" means a district school or charter school that has been  
665 designated a low performing school by the state board because the school is:

666 (a) for two consecutive school years in the lowest performing 3% of schools statewide  
667 according to the percentage of possible points earned under the school accountability system;  
668 and

669 (b) a low performing school according to other outcome-based measures as may be  
670 defined in rules made by the state board in accordance with Title 63G, Chapter 3, Utah  
671 Administrative Rulemaking Act.

672 (8) "School accountability system" means the school accountability system established  
673 in Part 2, School Accountability System.

674 (9) "School grade" or "grade" means the letter grade assigned to a school as the  
675 school's overall rating under the school accountability system.

676 (10) "School turnaround committee" means a committee established under:

677 (a) for a district school, Section [53E-5-303](#); or

678 (b) for a charter school, Section 53E-5-304.

679 (11) "School turnaround plan" means a plan described in:

680 (a) for a district school, Section 53E-5-303; or

681 (b) for a charter school, Section 53E-5-304.

682 Section 15. Section 53E-5-305 is amended to read:

683 **53E-5-305. State board to identify independent school turnaround experts --**

684 **Review and approval of school turnaround plans -- Appeals process.**

685 (1) The state board shall identify two or more approved independent school turnaround  
686 experts, through a standard procurement process, that a low performing school may contract  
687 with to:

688 (a) respond to the needs assessment conducted under Section 53E-5-302; and

689 (b) provide the services described in Section 53E-5-303 or 53E-5-304, as applicable.

690 (2) In identifying independent school turnaround experts under Subsection (1), the state  
691 board shall identify experts that:

692 (a) have a credible track record of improving student academic achievement in public  
693 schools with various demographic characteristics, as measured by statewide assessments  
694 described in Section 53E-4-301;

695 (b) have experience designing, implementing, and evaluating data-driven instructional  
696 systems in public schools;

697 (c) have experience coaching public school administrators and teachers on designing  
698 data-driven school improvement plans;

699 (d) have experience working with the various education entities that govern public  
700 schools;

701 (e) have experience delivering high-quality professional development in instructional  
702 effectiveness to public school administrators and teachers; and

703 (f) are willing to partner with any low performing school in the state, regardless of  
704 location.

705 (3) (a) The state board shall:

706 (i) review a proposal submitted for approval under Section 53E-5-303 or 53E-5-304 no  
707 later than 30 days after the day on which the proposal is submitted;

708 (ii) review a school turnaround plan submitted for approval under Subsection

709 53E-5-303(7)(b) or under Subsection 53E-5-304(9)(b) within 30 days of submission; and

710 (iii) approve a school turnaround plan that:

711 (A) is timely;

712 (B) is well-developed; and

713 (C) meets the criteria described in Subsection 53E-5-303(5).

714 (b) The state board may not approve a school turnaround plan that is not aligned with  
715 the needs assessment conducted under Section 53E-5-302.

716 (4) (a) Subject to legislative appropriations, when a school turnaround plan is approved  
717 by the state board, the state board shall distribute funds to each LEA governing board with a  
718 low performing school to carry out the provisions of Sections 53E-5-303 and 53E-5-304.

719 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
720 Act, the state board shall make rules establishing a distribution method and allowable uses of  
721 the funds described in Subsection (4)(a).

722 (5) The state board shall:

723 (a) monitor and assess progress toward the goals, benchmarks and timetable in each  
724 school turnaround plan; and

725 (b) act as a liaison between a local school board, low performing school, and  
726 turnaround expert.

727 (6) (a) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative  
728 Rulemaking Act, the state board shall make rules to establish an appeals process for:

729 (i) a low performing district school that is not granted approval from the district  
730 school's local school board under Subsection 53E-5-303(7)(b);

731 (ii) a low performing charter school that is not granted approval from the charter  
732 school's charter school governing board under Subsection 53E-5-304(9)(b); and

733 (iii) a local school board or charter school governing board that is not granted approval  
734 from the state board under Subsection (3)(a) or (b).

735 (b) The state board shall ensure that rules made under Subsection (6)(a) require an  
736 appeals process described in:

737 (i) Subsections (6)(a)(i) and (ii) to be resolved on or before July 1 of the initial  
738 remedial year; and

739 (ii) Subsection (6)(a)(iii) to be resolved on or before August 15 of the initial remedial



740 year.

741 (7) The state board may use up to 4% of the funds appropriated by the Legislature to  
742 carry out the provisions of this part for administration if the amount for administration is  
743 approved by the state board in an open meeting.

744 Section 16. Section **53E-5-306** is amended to read:

745 **53E-5-306. Implications for failing to improve school performance.**

746 (1) As used in this section, "high performing charter school" means a charter school  
747 that:

748 (a) satisfies all requirements of state law and state board rules made in accordance with  
749 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

750 (b) meets or exceeds standards for student achievement established by the charter  
751 school's charter school authorizer; and

752 (c) has received at least a B grade under the school accountability system in the  
753 previous two school years.

754 (2) (a) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative  
755 Rulemaking Act, the state board shall make rules establishing:

756 (i) exit criteria for a low performing school;

757 (ii) criteria for granting a school an extension as described in Subsection (3); and

758 (iii) implications for a low performing school that does not meet exit criteria after the  
759 school's final remedial year or the last school year of the extension period described in  
760 Subsection (3).

761 (b) In establishing exit criteria for a low performing school the state board shall:

762 (i) determine for each low performing school the number of points awarded under the  
763 school accountability system in the final remedial year that represent a substantive and  
764 statistically significant improvement over the number of points awarded under the school  
765 accountability system in the school year immediately preceding the initial remedial year;

766 (ii) establish a method to estimate the exit criteria after a low performing school's first  
767 remedial year to provide a target for each low performing school; and

768 (iii) use generally accepted statistical practices.

769 (c) The state board shall through a competitively awarded contract engage a third party  
770 with expertise in school accountability and assessments to verify the criteria adopted under this

771 Subsection (2).

772 (3) (a) A low performing school may petition the state board for an extension to  
773 continue school improvement efforts for up to two years if the low performing school does not  
774 meet the exit criteria established by the state board as described in Subsection (2).

775 (b) A school that has been granted an extension under this Subsection (3) is eligible  
776 for:

777 (i) continued funding under Section 53E-5-305; and

778 (ii) (A) the school teacher recruitment and retention incentive under Section  
779 53E-5-308; or

780 (B) the School Recognition and Reward Program under Section 53E-5-307.

781 (4) If a low performing school does not meet exit criteria after the school's final  
782 remedial year or the last school year of the extension period, the state board may intervene by:

783 (a) restructuring a district school, which may include:

784 (i) contract management;

785 (ii) conversion to a charter school; or

786 (iii) state takeover;

787 (b) restructuring a charter school by:

788 (i) terminating a school's charter agreement;

789 (ii) closing a charter school; or

790 (iii) transferring operation and control of the charter school to:

791 (A) a high performing charter school; or

792 (B) the school district in which the charter school is located; or

793 (c) other appropriate action as determined by the state board.

794 Section 17. Section 53E-5-308 is amended to read:

795 **53E-5-308. Turnaround school teacher recruitment and retention.**

796 (1) As used in this section, "plan" means a teacher recruitment and retention plan.

797 (2) On a date specified by the state board, an LEA governing board of a low  
798 performing school shall submit to the state board for review and approval a plan to address  
799 teacher recruitment and retention in a low performing school.

800 (3) The state board shall:

801 (a) review a plan submitted under Subsection (2);

802 (b) approve a plan if the plan meets criteria established by the state board in rules made  
803 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

804 (c) subject to legislative appropriations, provide funding to an LEA governing board  
805 for teacher recruitment and retention efforts identified in an approved plan if the LEA  
806 governing board provides matching funds in an amount equal to at least the funding the low  
807 performing school would receive from the state board.

808 (4) The money distributed under this section may only be expended to fund teacher  
809 recruitment and retention efforts identified in an approved plan.

810 Section 18. Section **53E-5-309** is amended to read:

811 **53E-5-309. School Leadership Development Program.**

812 (1) As used in this section, "school leader" means a school principal or assistant  
813 principal.

814 (2) There is created the School Leadership Development Program to increase the  
815 number of highly effective school leaders capable of:

816 (a) initiating, achieving, and sustaining school improvement efforts; and

817 (b) forming and sustaining community partnerships as described in Section [53F-5-402](#).

818 (3) The state board shall identify one or more providers, through a request for  
819 proposals process, to develop or provide leadership development training for school leaders  
820 that:

821 (a) may provide in-depth training in proven strategies to turn around low performing  
822 schools;

823 (b) may emphasize hands-on and job-embedded learning;

824 (c) aligns with the state's leadership standards established by state board rule;

825 (d) reflects the needs of a school district or charter school where a school leader serves;

826 (e) may include training on using student achievement data to drive decisions;

827 (f) may develop skills in implementing and evaluating evidence-based instructional  
828 practices;

829 (g) may develop skills in leading collaborative school improvement structures,  
830 including professional learning communities; and

831 (h) includes instruction on forming and sustaining community partnerships as  
832 described in Section [53F-5-402](#).

833 (4) Subject to legislative appropriations, the state board shall provide incentive pay to a  
834 school leader who:

835 (a) completes leadership development training under this section; and

836 (b) agrees to work, for at least five years, in a school that received an F grade or D  
837 grade under the school accountability system in the school year previous to the first year the  
838 school leader:

839 (i) completes leadership development training; and

840 (ii) begins to work, or continues to work, in a school described in this Subsection

841 (4)(b).

842 (5) ~~[The]~~ In accordance with Title 63G, Utah Administrative Rulemaking Act, the state  
843 board shall make rules specifying:

844 (a) eligibility criteria for a school leader to participate in the School Leadership  
845 Development Program;

846 (b) application procedures for the School Leadership Development Program;

847 (c) criteria for selecting school leaders from the application pool; and

848 (d) procedures for awarding incentive pay under Subsection (4).

849 Section 19. Section **53E-6-201** is amended to read:

850 **53E-6-201. State board licensure.**

851 (1) To be fully implemented by July 1, 2020, and, if technology and funds are  
852 available, the state board shall establish in rule made in accordance with Title 63G, Chapter 3,  
853 Utah Administrative Rulemaking Act, a system for educator licensing that includes:

854 (a) an associate educator license that permits an individual to provide educational  
855 services in a public school while working to meet the requirements of a professional educator  
856 license;

857 (b) a professional educator license that permits an individual to provide educational  
858 services in a public school after demonstrating that the individual meets licensure requirements  
859 established in state board rule; and

860 (c) an LEA-specific educator license issued by the state board at the request of an  
861 LEA's governing body that is valid for an individual to provide educational services in the  
862 requesting LEA's schools.

863 (2) An individual employed in a position that requires licensure by the state board shall

864 hold the license that is appropriate to the position.

865 (3) (a) The state board may by rule made in accordance with Title 63G, Chapter 3,  
866 Utah Administrative Rulemaking Act, rank, endorse, or otherwise classify licenses and  
867 establish the criteria for obtaining, retaining, and reinstating licenses.

868 (b) An educator who is enrolling in a course of study at an institution within the state  
869 system of higher education to satisfy the state board requirements for retaining a license is  
870 exempt from tuition, except for a semester registration fee established by the State Board of  
871 Regents, if:

872 (i) the educator is enrolled on the basis of surplus space in the class after regularly  
873 enrolled students have been assigned and admitted to the class in accordance with regular  
874 procedures, normal teaching loads, and the institution's approved budget; and

875 (ii) enrollments are determined by each institution under rules and guidelines  
876 established by the State Board of Regents in accordance with findings of fact that space is  
877 available for the educator's enrollment.

878 Section 20. Section **53E-6-301** is amended to read:

879 **53E-6-301. Qualifications of applicants for licenses -- Changes in qualifications.**

880 (1) The state board shall establish by rule made in accordance with Title 63G, Chapter  
881 3, Utah Administrative Rulemaking Act, the scholarship, training, and experience required of  
882 license applicants.

883 (2) (a) The state board shall announce any increase in the requirements when made.

884 (b) An increase in requirements shall become effective not less than one year from the  
885 date of the announcement.

886 (3) The state board may determine by examination or otherwise the qualifications of  
887 license applicants.

888 Section 21. Section **53E-6-302** is amended to read:

889 **53E-6-302. Teacher preparation programs.**

890 (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
891 Act, the state board shall make rules that establish standards for approval of a preparation  
892 program.

893 (2) The state board shall ensure that standards adopted under Subsection (1) meet or  
894 exceed generally recognized national standards for preparation of educators.

- 895 (3) The state board shall designate an employee of the state board's staff to:
- 896 (a) work with education deans of state institutions of higher education to coordinate
- 897 on-site monitoring of teacher preparation programs that may include:
- 898 (i) monitoring courses for teacher preparation programs;
- 899 (ii) working with course instructors for teacher preparation programs; and
- 900 (iii) interviewing students admitted to teacher preparation programs;
- 901 (b) act as a liaison between:
- 902 (i) the state board;
- 903 (ii) local school boards or charter school governing boards; and
- 904 (iii) representatives of teacher preparation programs; and
- 905 (c) report the employee's findings and recommendations for the improvement of
- 906 teacher preparation programs to:
- 907 (i) the state board; and
- 908 (ii) education deans of state institutions of higher education.
- 909 (4) The state board shall:
- 910 (a) in good faith, consider the findings and recommendations described in Subsection
- 911 (3)(c); and
- 912 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 913 make rules, as the state board determines is necessary, to implement recommendations
- 914 described in Subsection (3)(c).
- 915 Section 22. Section **53E-6-902** is amended to read:
- 916 **53E-6-902. Teacher leaders.**
- 917 (1) As used in this section, "teacher" means an educator who has an assignment to
- 918 teach in a classroom.
- 919 (2) There is created the role of a teacher leader to:
- 920 (a) work with a student teacher and a teacher who supervises a student teacher;
- 921 (b) assist with the training of a recently hired teacher; and
- 922 (c) support school-based professional learning.
- 923 (3) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 924 Act, the state board shall make rules that:
- 925 (a) define the role of a teacher leader, including the functions described in Subsection

926 (2); and

927 (b) establish the minimum criteria for a teacher to qualify as a teacher leader.

928 (4) The state board shall solicit recommendations from school districts and educators  
929 regarding:

930 (a) appropriate resources to provide a teacher leader; and

931 (b) appropriate ways to compensate a teacher leader.

932 Section 23. Section **53E-6-903** is amended to read:

933 **53E-6-903. STEM education endorsements and incentive program.**

934 (1) As used in this section, "STEM" means science, technology, engineering, and  
935 mathematics.

936 (2) The state board shall:

937 (a) develop STEM education endorsements; and

938 (b) create and implement financial incentives for:

939 (i) an educator to earn an elementary or secondary STEM education endorsement  
940 described in Subsection (2)(a); and

941 (ii) a school district or a charter school to have STEM endorsed educators on staff.

942 (3) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
943 Act, the state board shall make rules establishing the uses of STEM education endorsements  
944 described in Subsection (2), including that:

945 (a) an incentive for an educator to take a course leading to a STEM education  
946 endorsement may only be given for a course that carries higher-education credit; and

947 (b) a school district or a charter school may consider a STEM education endorsement  
948 as part of an educator's salary schedule.

949 Section 24. Section **53E-8-204** is amended to read:

950 **53E-8-204. Authority of the state board -- Rulemaking -- Superintendent --**  
951 **Advisory council.**

952 (1) The state board is the governing board of the Utah Schools for the Deaf and the  
953 Blind.

954 (2) (a) The state board shall appoint a superintendent for the Utah Schools for the Deaf  
955 and the Blind.

956 (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah

957 Administrative Rulemaking Act, regarding the qualifications, terms of employment, and duties  
958 of the superintendent for the Utah Schools for the Deaf and the Blind.

959 (3) The superintendent shall:

960 (a) subject to the approval of the state board, appoint an associate superintendent to  
961 administer the Utah School for the Deaf based on:

962 (i) demonstrated competency as an expert educator of deaf persons; and

963 (ii) knowledge of school management and the instruction of deaf persons;

964 (b) subject to the approval of the state board, appoint an associate superintendent to  
965 administer the Utah School for the Blind based on:

966 (i) demonstrated competency as an expert educator of blind persons; and

967 (ii) knowledge of school management and the instruction of blind persons, including an  
968 understanding of the unique needs and education of deafblind persons.

969 (4) (a) The state board shall:

970 (i) establish an advisory council for the Utah Schools for the Deaf and the Blind and  
971 appoint no more than 11 members to the advisory council;

972 (ii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
973 Rulemaking Act, regarding the operation of the advisory council; and

974 (iii) receive and consider the advice and recommendations of the advisory council but  
975 is not obligated to follow the recommendations of the advisory council.

976 (b) The advisory council described in Subsection (4)(a) shall include at least:

977 (i) two members who are blind;

978 (ii) two members who are deaf; and

979 (iii) two members who are deafblind or parents of a deafblind child.

980 (5) The state board shall approve the annual budget and expenditures of the Utah  
981 Schools for the Deaf and the Blind.

982 (6) (a) The state board shall submit a report in accordance with Section [53E-1-201](#) on  
983 the Utah Schools for the Deaf and the Blind.

984 (b) The state board shall ensure that the report described in Subsection (6)(a) includes:

985 (i) a financial report;

986 (ii) a report on Utah Schools for the Deaf and the Blind programs and activities; and

987 (iii) a report of student academic performance.



988 Section 25. Section **53E-8-401** is amended to read:

989 **53E-8-401. Eligibility for services of the Utah Schools for the Deaf and the Blind.**

990 (1) Except as provided in Subsections (3), (4), and (5), an individual is eligible to  
991 receive services of the Utah Schools for the Deaf and the Blind if the individual is:

992 (a) a resident of Utah;

993 (b) younger than 22 years of age;

994 (c) referred to the Utah Schools for the Deaf and the Blind by:

995 (i) the individual's school district of residence;

996 (ii) a local early intervention program; or

997 (iii) if the referral is consistent with the Individual with Disabilities Education Act, 20

998 U.S.C. Sec. 1400 et seq., the Parent Infant Program; and

999 (d) identified as deaf, blind, or deafblind through:

1000 (i) the special education eligibility determination process; or

1001 (ii) the Section 504 eligibility determination process.

1002 (2) (a) In determining eligibility for an individual who is younger than age three and is  
1003 deafblind, the following information may be used:

1004 (i) ophthalmological and audiological documentation;

1005 (ii) functional vision or hearing assessments and evaluations; or

1006 (iii) informed clinical opinion conducted by a person with expertise in deafness,  
1007 blindness, or deafblindness.

1008 (b) Informed clinical opinion shall be:

1009 (i) included in the determination of eligibility when documentation is incomplete or not  
1010 conclusive; and

1011 (ii) based on pertinent records related to the individual's current health status and  
1012 medical history, an evaluation and observations of the individual's level of sensory functioning,  
1013 and the needs of the family.

1014 (3) (a) A student who qualifies for special education shall have services and placement  
1015 determinations made through the IEP process.

1016 (b) A student who qualifies for accommodations under Section 504 shall have services  
1017 and placement determinations made through the Section 504 team process.

1018 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the

1019 Blind in accordance with the rules of the state board described in Subsection (6).

1020 (b) The rules shall require the payment of tuition for services provided to a  
1021 nonresident.

1022 (5) An individual is eligible to receive services from the Utah Schools for the Deaf and  
1023 the Blind under circumstances described in Section [53E-8-408](#).

1024 (6) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1025 Act, the state board:

1026 (a) shall make rules that determine the eligibility of students to be served by the Utah  
1027 Schools for the Deaf and the Blind; and

1028 (b) may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind  
1029 to receive services of the Utah Schools for the Deaf and the Blind if the resident is younger  
1030 than 22 years of age.

1031 Section 26. Section **53E-8-409** is amended to read:

1032 **53E-8-409. Instructional Materials Access Center -- Board to make rules.**

1033 (1) The state board shall collaborate with the Utah Schools for the Deaf and the Blind,  
1034 school districts, and charter schools in establishing the Utah State Instructional Materials  
1035 Access Center to provide students with print disabilities access to instructional materials in  
1036 alternate formats in a timely manner.

1037 (2) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1038 Administrative Rulemaking Act, to:

1039 (a) establish the Utah State Instructional Materials Access Center;

1040 (b) define how the Utah Schools for the Deaf and the Blind shall collaborate in the  
1041 operation of the Utah State Instructional Materials Access Center;

1042 (c) specify procedures for the operation of the Utah State Instructional Materials  
1043 Access Center, including procedures to:

1044 (i) identify students who qualify for instructional materials in alternate formats; and

1045 (ii) distribute and store instructional materials in alternate formats; and

1046 (d) require textbook publishers, as a condition of contract, to provide electronic file  
1047 sets in conformance with the National Instructional Materials Accessibility Standard.

1048 Section 27. Section **53E-9-301** is amended to read:

1049 **53E-9-301. Definitions.**

- 1050 As used in this part:
- 1051 (1) "Adult student" means a student who:
- 1052 (a) is at least 18 years old;
- 1053 (b) is an emancipated student; or
- 1054 (c) qualifies under the McKinney-Vento Homeless Education Assistance
- 1055 Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.
- 1056 (2) "Aggregate data" means data that:
- 1057 (a) are totaled and reported at the group, cohort, school, school district, region, or state
- 1058 level with at least 10 individuals in the level;
- 1059 (b) do not reveal personally identifiable student data; and
- 1060 (c) are collected in accordance with state board rule.
- 1061 (3) (a) "Biometric identifier" means a:
- 1062 (i) retina or iris scan;
- 1063 (ii) fingerprint;
- 1064 (iii) human biological sample used for valid scientific testing or screening; or
- 1065 (iv) scan of hand or face geometry.
- 1066 (b) "Biometric identifier" does not include:
- 1067 (i) a writing sample;
- 1068 (ii) a written signature;
- 1069 (iii) a voiceprint;
- 1070 (iv) a photograph;
- 1071 (v) demographic data; or
- 1072 (vi) a physical description, such as height, weight, hair color, or eye color.
- 1073 (4) "Biometric information" means information, regardless of how the information is
- 1074 collected, converted, stored, or shared:
- 1075 (a) based on an individual's biometric identifier; and
- 1076 (b) used to identify the individual.
- 1077 (5) "Data breach" means an unauthorized release of or unauthorized access to
- 1078 personally identifiable student data that is maintained by an education entity.
- 1079 (6) "Data governance plan" means an education entity's comprehensive plan for
- 1080 managing education data that:

1081 (a) incorporates reasonable data industry best practices to maintain and protect student  
1082 data and other education-related data;

1083 (b) describes the role, responsibility, and authority of an education entity data  
1084 governance staff member;

1085 (c) provides for necessary technical assistance, training, support, and auditing;

1086 (d) describes the process for sharing student data between an education entity and  
1087 another person;

1088 (e) describes the education entity's data expungement process, including how to  
1089 respond to requests for expungement;

1090 (f) describes the data breach response process; and

1091 (g) is published annually and available on the education entity's website.

1092 (7) "Education entity" means:

1093 (a) the state board;

1094 (b) a local school board;

1095 (c) a charter school governing board;

1096 (d) a school district;

1097 (e) a charter school; or

1098 (f) the Utah Schools for the Deaf and the Blind.

1099 (8) "Expunge" means to seal or permanently delete data, as described in state board  
1100 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1101 under Section [53E-9-306](#).

1102 (9) "General audience application" means an Internet website, online service, online  
1103 application, mobile application, or software program that:

1104 (a) is not specifically intended for use by an audience member that attends kindergarten  
1105 or a grade from 1 to 12, although an audience member may attend kindergarten or a grade from  
1106 1 to 12; and

1107 (b) is not subject to a contract between an education entity and a third-party contractor.

1108 (10) "Local education agency" or "LEA" means:

1109 (a) a school district;

1110 (b) a charter school; or

1111 (c) the Utah Schools for the Deaf and the Blind.

- 1112 (11) "Metadata dictionary" means a record that:
- 1113 (a) defines and discloses all personally identifiable student data collected and shared by
- 1114 the education entity;
- 1115 (b) comprehensively lists all recipients with whom the education entity has shared
- 1116 personally identifiable student data, including:
- 1117 (i) the purpose for sharing the data with the recipient;
- 1118 (ii) the justification for sharing the data, including whether sharing the data was
- 1119 required by federal law, state law, or a local directive; and
- 1120 (iii) how sharing the data is permitted under federal or state law; and
- 1121 (c) without disclosing personally identifiable student data, is displayed on the
- 1122 education entity's website.
- 1123 (12) "Necessary student data" means data required by state statute or federal law to
- 1124 conduct the regular activities of an education entity, including:
- 1125 (a) name;
- 1126 (b) date of birth;
- 1127 (c) sex;
- 1128 (d) parent contact information;
- 1129 (e) custodial parent information;
- 1130 (f) contact information;
- 1131 (g) a student identification number;
- 1132 (h) local, state, and national assessment results or an exception from taking a local,
- 1133 state, or national assessment;
- 1134 (i) courses taken and completed, credits earned, and other transcript information;
- 1135 (j) course grades and grade point average;
- 1136 (k) grade level and expected graduation date or graduation cohort;
- 1137 (l) degree, diploma, credential attainment, and other school exit information;
- 1138 (m) attendance and mobility;
- 1139 (n) drop-out data;
- 1140 (o) immunization record or an exception from an immunization record;
- 1141 (p) race;
- 1142 (q) ethnicity;

- 1143 (r) tribal affiliation;
- 1144 (s) remediation efforts;
- 1145 (t) an exception from a vision screening required under Section 53G-9-404 or
- 1146 information collected from a vision screening described in Section 53G-9-404;
- 1147 (u) information related to the Utah Registry of Autism and Developmental Disabilities,
- 1148 described in Section 26-7-4;
- 1149 (v) student injury information;
- 1150 (w) a disciplinary record created and maintained as described in Section 53E-9-306;
- 1151 (x) juvenile delinquency records;
- 1152 (y) English language learner status; and
- 1153 (z) child find and special education evaluation data related to initiation of an IEP.
- 1154 (13) (a) "Optional student data" means student data that is not:
- 1155 (i) necessary student data; or
- 1156 (ii) student data that an education entity may not collect under Section 53E-9-305.
- 1157 (b) "Optional student data" includes:
- 1158 (i) information that is:
- 1159 (A) related to an IEP or needed to provide special needs services; and
- 1160 (B) not necessary student data;
- 1161 (ii) biometric information; and
- 1162 (iii) information that is not necessary student data and that is required for a student to
- 1163 participate in a federal or other program.
- 1164 (14) "Parent" means:
- 1165 (a) a student's parent;
- 1166 (b) a student's legal guardian; or
- 1167 (c) an individual who has written authorization from a student's parent or legal
- 1168 guardian to act as a parent or legal guardian on behalf of the student.
- 1169 (15) (a) "Personally identifiable student data" means student data that identifies or is
- 1170 used by the holder to identify a student.
- 1171 (b) "Personally identifiable student data" includes:
- 1172 (i) a student's first and last name;
- 1173 (ii) the first and last name of a student's family member;

- 1174 (iii) a student's or a student's family's home or physical address;
- 1175 (iv) a student's email address or other online contact information;
- 1176 (v) a student's telephone number;
- 1177 (vi) a student's social security number;
- 1178 (vii) a student's biometric identifier;
- 1179 (viii) a student's health or disability data;
- 1180 (ix) a student's education entity student identification number;
- 1181 (x) a student's social media user name and password or alias;
- 1182 (xi) if associated with personally identifiable student data, the student's persistent
- 1183 identifier, including:
- 1184 (A) a customer number held in a cookie; or
- 1185 (B) a processor serial number;
- 1186 (xii) a combination of a student's last name or photograph with other information that
- 1187 together permits a person to contact the student online;
- 1188 (xiii) information about a student or a student's family that a person collects online and
- 1189 combines with other personally identifiable student data to identify the student; and
- 1190 (xiv) information that, alone or in combination, is linked or linkable to a specific
- 1191 student that would allow a reasonable person in the school community, who does not have
- 1192 personal knowledge of the relevant circumstances, to identify the student with reasonable
- 1193 certainty.
- 1194 (16) "School official" means an employee or agent of an education entity, if the
- 1195 education entity has authorized the employee or agent to request or receive student data on
- 1196 behalf of the education entity.
- 1197 (17) (a) "Student data" means information about a student at the individual student
- 1198 level.
- 1199 (b) "Student data" does not include aggregate or de-identified data.
- 1200 (18) "Student data manager" means:
- 1201 (a) the state student data officer; or
- 1202 (b) an individual designated as a student data manager by an education entity under
- 1203 Section [53E-9-303](#), who fulfills the duties described in Section [53E-9-308](#).
- 1204 (19) (a) "Targeted advertising" means presenting advertisements to a student where the

1205 advertisement is selected based on information obtained or inferred over time from that  
1206 student's online behavior, usage of applications, or student data.

1207 (b) "Targeted advertising" does not include advertising to a student:

1208 (i) at an online location based upon that student's current visit to that location; or

1209 (ii) in response to that student's request for information or feedback, without retention  
1210 of that student's online activities or requests over time for the purpose of targeting subsequent  
1211 ads.

1212 (20) "Third-party contractor" means a person who:

1213 (a) is not an education entity; and

1214 (b) pursuant to a contract with an education entity, collects or receives student data in  
1215 order to provide a product or service, as described in the contract, if the product or service is  
1216 not related to school photography, yearbooks, graduation announcements, or a similar product  
1217 or service.

1218 (21) "Written consent" means written authorization to collect or share a student's  
1219 student data, from:

1220 (a) the student's parent, if the student is not an adult student; or

1221 (b) the student, if the student is an adult student.

1222 Section 28. Section **53E-9-302** is amended to read:

1223 **53E-9-302. State student data protection governance.**

1224 (1) (a) An education entity or a third-party contractor who collects, uses, stores, shares,  
1225 or deletes student data shall protect student data as described in this part.

1226 (b) [~~The~~] In accordance with Title 63G, Chapter 3, Administrative Rulemaking Act,  
1227 the state board shall make rules to administer this part, including student data protection  
1228 standards for public education employees, student aides, and volunteers.

1229 (2) The state board shall oversee the preparation and maintenance of:

1230 (a) a statewide data governance plan; and

1231 (b) a state-level metadata dictionary.

1232 (3) As described in this Subsection (3), the state board shall establish advisory groups  
1233 to oversee student data protection in the state and make recommendations to the state board  
1234 regarding student data protection.

1235 (a) The state board shall establish a student data policy advisory group:



- 1236 (i) composed of members from:
- 1237 (A) the Legislature;
- 1238 (B) the state board and state board employees; and
- 1239 (C) one or more LEAs;
- 1240 (ii) to discuss and make recommendations to the state board regarding:
- 1241 (A) enacted or proposed legislation; and
- 1242 (B) state and local student data protection policies across the state;
- 1243 (iii) that reviews and monitors the state student data governance plan; and
- 1244 (iv) that performs other tasks related to student data protection as designated by the
- 1245 state board.
- 1246 (b) The state board shall establish a student data governance advisory group:
- 1247 (i) composed of the state student data officer and other state board employees; and
- 1248 (ii) that performs duties related to state and local student data protection, including:
- 1249 (A) overseeing data collection and usage by state board program offices; and
- 1250 (B) preparing and maintaining the state board's student data governance plan under the
- 1251 direction of the student data policy advisory group.
- 1252 (c) The state board shall establish a student data users advisory group:
- 1253 (i) composed of members who use student data at the local level; and
- 1254 (ii) that provides feedback and suggestions on the practicality of actions proposed by
- 1255 the student data policy advisory group and the student data governance advisory group.
- 1256 (4) (a) The state board shall designate a state student data officer.
- 1257 (b) The state student data officer shall:
- 1258 (i) act as the primary point of contact for state student data protection administration in
- 1259 assisting the state board to administer this part;
- 1260 (ii) ensure compliance with student privacy laws throughout the public education
- 1261 system, including:
- 1262 (A) providing training and support to applicable state board and LEA employees; and
- 1263 (B) producing resource materials, model plans, and model forms for local student data
- 1264 protection governance, including a model student data collection notice;
- 1265 (iii) investigate complaints of alleged violations of this part;
- 1266 (iv) report violations of this part to:

- 1267 (A) the state board;
- 1268 (B) an applicable education entity; and
- 1269 (C) the student data policy advisory group; and
- 1270 (v) act as a state level student data manager.
- 1271 (5) The state board shall designate:
  - 1272 (a) at least one support manager to assist the state student data officer; and
  - 1273 (b) a student data protection auditor to assist the state student data officer.
- 1274 (6) The state board shall establish a research review process for a request for data for
- 1275 the purpose of research or evaluation.

1276 Section 29. Section **53E-9-304** is amended to read:

1277 **53E-9-304. Student data ownership and access -- Notification in case of**  
1278 **significant data breach.**

- 1279 (1) (a) A student owns the student's personally identifiable student data.
- 1280 (b) An education entity shall allow the following individuals to access a student's
- 1281 student data that is maintained by the education entity:
  - 1282 (i) the student's parent;
  - 1283 (ii) the student; and
  - 1284 (iii) in accordance with the education entity's internal policy described in Section
  - 1285 **53E-9-303** and in the absence of a parent, an individual acting as a parent to the student.

1286 (2) (a) If a significant data breach occurs at an education entity, the education entity  
1287 shall notify:

- 1288 (i) the student, if the student is an adult student; or
- 1289 (ii) the student's parent, if the student is not an adult student.
- 1290 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 1291 Act, the state board shall make rules to define a significant data breach described in Subsection
- 1292 (2)(a).

1293 Section 30. Section **53E-9-306** is amended to read:

1294 **53E-9-306. Using and expunging student data -- Rulemaking -- Disciplinary**  
1295 **records.**

1296 (1) In accordance with Title 63G, Chapter 2, Government Records Access and  
1297 Management Act, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state

1298 board shall make rules regarding using and expunging student data, including:

1299 (a) a categorization of disciplinary records that includes the following levels of  
1300 maintenance:

1301 (i) one year;

1302 (ii) three years; and

1303 (iii) in accordance with Subsection (3), as determined by the education entity;

1304 (b) the types of student data that may be expunged, including:

1305 (i) medical records; and

1306 (ii) behavioral test assessments;

1307 (c) the types of student data that may not be expunged, including:

1308 (i) grades;

1309 (ii) transcripts;

1310 (iii) a record of the student's enrollment; and

1311 (iv) assessment information; and

1312 (d) the timeline and process for a prior student or parent of a prior student to request  
1313 that an education entity expunge all of the prior student's student data.

1314 (2) In accordance with state board rule, an education entity may create and maintain a  
1315 disciplinary record for a student.

1316 (3) (a) As recognized in Section [53E-9-304](#), and to ensure maximum student data  
1317 privacy, an education entity shall, in accordance with state board rule, expunge a student's  
1318 student data that is stored by the education entity.

1319 (b) An education entity shall retain and dispose of records in accordance with Section  
1320 [63G-2-604](#) and state board rule.

1321 Section 31. Section [53E-9-307](#) is amended to read:

1322 **53E-9-307. Securing and cataloguing student data.**

1323 [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1324 the state board shall make rules that:

1325 (1) using reasonable data industry best practices, prescribe the maintenance and  
1326 protection of stored student data by:

1327 (a) an education entity;

1328 (b) the Utah Registry of Autism and Developmental Disabilities, described in Section

1329 26-7-4, for student data obtained under Section 53E-9-308; and

1330 (c) a third-party contractor; and

1331 (2) state requirements for an education entity's metadata dictionary.

1332 Section 32. Section 53E-10-703 is amended to read:

1333 **53E-10-703. ULEAD director -- Qualification and employment -- Duties --**  
1334 **Reporting -- Annual conference.**

1335 (1) The ULEAD director shall:

1336 (a) (i) hold a doctorate degree in education or an equivalent degree; and

1337 (ii) have demonstrated experience in research and dissemination of best practices in  
1338 education; and

1339 (b) (i) be a full-time employee; and

1340 (ii) report to the state superintendent.

1341 (2) The state superintendent shall:

1342 (a) evaluate the director's performance annually;

1343 (b) report on the director's performance to the selection committee; and

1344 (c) provide space for the director and the director's staff.

1345 (3) The director may hire staff, using only money specifically appropriated to ULEAD.

1346 (4) The director shall perform the following duties and functions:

1347 (a) gather current research on innovative and effective practices in K-12 education for  
1348 use by policymakers and practitioners;

1349 (b) facilitate collaboration between LEAs, higher education researchers, and  
1350 practitioners by:

1351 (i) sharing innovative and effective practices shown to improve student learning;

1352 (ii) identifying experts in specific areas of practice; and

1353 (iii) maintaining a research clearinghouse and directory of researchers; and

1354 (c) analyze barriers to replication or adaption of innovative and successful practices  
1355 studied by ULEAD or contributed to the ULEAD research clearinghouse.

1356 (5) The director shall:

1357 (a) prioritize reports and other research based on recommendations of the steering  
1358 committee in accordance with Subsection 53E-10-707(5), and after consulting with individuals  
1359 described in Subsection 53E-10-707(6);

- 1360 (b) identify Utah LEAs, or schools outside the public school system, that are:
- 1361 (i) innovative in specific areas of practice; and
- 1362 (ii) more effective or efficient than comparable LEAs in improving student learning;
- 1363 (c) establish criteria for innovative practice reports to be performed by participating
- 1364 institutions and included in the research clearinghouse, including report templates;
- 1365 (d) arrange with participating institutions to generate innovative practice reports on
- 1366 effective and innovative K-12 education practices; and
- 1367 (e) (i) disseminate each innovative practice report to LEAs; and
- 1368 (ii) publish innovative practice reports on the ULEAD website.
- 1369 (6) In an innovative practice report, a participating institution shall:
- 1370 (a) include or reference a review of research regarding the practice in which the subject
- 1371 LEA has demonstrated success;
- 1372 (b) identify through academically acceptable, evidence-based research methods the
- 1373 causes of the LEA's successful practice;
- 1374 (c) identify opportunities for LEAs to adopt or customize innovative or best practices;
- 1375 (d) address limitations to successful replication or adaptation of the successful practice
- 1376 by other LEAs, which may include barriers arising from federal or state law, state or LEA
- 1377 policy, socioeconomic conditions, or funding limitations;
- 1378 (e) include practical templates for successful replication and adaptation of successful
- 1379 practices, following criteria established by the director;
- 1380 (f) identify experts in the successful practice that is the subject of the innovative
- 1381 practice report, including teachers or administrators at the subject LEA; and
- 1382 (g) include:
- 1383 (i) an executive summary describing the innovative practice report; and
- 1384 (ii) a video component or other elements designed to ensure that an innovative practice
- 1385 report is readily understandable by practitioners.
- 1386 (7) The director may, if requested by an LEA leader or policymaker, conduct an
- 1387 evidence-based review of a possible innovation in an area of practice.
- 1388 (8) The director may also accept innovative practice reports from trained practitioners
- 1389 that meet the criteria set by the director.
- 1390 (9) The director or a participating institution, to enable successful replication or

1391 adaption of successful practices, may recommend to:

1392 (a) the Legislature, amendments to state law; or

1393 (b) the state board, revisions to state board rule, made in accordance with Title 63G,  
1394 Chapter 3, Utah Administrative Rulemaking Act, or policy.

1395 (10) The director shall:

1396 (a) report on the activities of ULEAD annually to the state board; and

1397 (b) provide reports or other information to the state board upon state board request.

1398 (11) The director shall:

1399 (a) prepare an annual report on ULEAD research and other activities;

1400 (b) submit the report in accordance with Section 53E-1-201 and 53E-1-202;

1401 (c) publish the annual report on the ULEAD website; and

1402 (d) disseminate the report to LEAs through electronic channels.

1403 (12) The director shall facilitate and conduct an annual conference on successful and  
1404 innovative K-12 education practices, featuring:

1405 (a) Utah education leaders; and

1406 (b) practitioners and researchers, chosen by the director, to discuss the subjects of LEA  
1407 and other ULEAD activities, or other innovative and successful education practices.

1408 Section 33. Section 53E-10-705 is amended to read:

1409 **53E-10-705. Participating institutions.**

1410 (1) The director may arrange or collaborate with a participating institution:

1411 (a) to conduct an innovative practice report or provide other research services,  
1412 including research regarding barriers to adoption of practices studied by ULEAD;

1413 (b) to assist an LEA to:

1414 (i) facilitate communities of practice for replication or adaptation of best practices  
1415 identified by ULEAD; and

1416 (ii) advise teachers and school leaders on conducting their own research to improve  
1417 education practices;

1418 (c) to assist an LEA with an application to the state board for waiver from a state board  
1419 rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in  
1420 accordance with Section 53G-7-202 to allow replication or adaptation of best practices; or

1421 (d) for any other purpose that is consistent with and advances the director's duties and

1422 functions.

1423 (2) An agreement entered into by a participating institution with the state board or an  
1424 LEA to perform ULEAD work shall:

1425 (a) include provisions allowing and governing external research data sharing; and

1426 (b) comply with state and federal law.

1427 (3) The director shall support federal and private research funding requests by a  
1428 participating institution for research that is in support of the director's duties and functions.

1429 Section 34. Section **53F-2-303** is amended to read:

1430 **53F-2-303. Foreign exchange student weighted pupil units.**

1431 (1) A school district or charter school may include foreign exchange students in the  
1432 district's or school's membership and attendance count for the purpose of apportionment of  
1433 state money, except as provided in Subsections (2) through (4).

1434 (2) (a) Notwithstanding Section **53F-2-302**, foreign exchange students may not be  
1435 included in average daily membership for the purpose of determining the number of weighted  
1436 pupil units in the grades 1-12 basic program.

1437 (b) Subject to the limitation in Subsection (3), the number of weighted pupil units in  
1438 the grades 1-12 basic program attributed to foreign exchange students shall be equal to the  
1439 number of foreign exchange students who were:

1440 (i) enrolled in a school district or charter school on October 1 of the previous fiscal  
1441 year; and

1442 (ii) sponsored by an agency approved by the district's local school board or charter  
1443 school's governing board.

1444 (3) (a) The total number of foreign exchange students in the state that may be counted  
1445 for the purpose of apportioning state money under Subsection (2) shall be the lesser of:

1446 (i) the number of foreign exchange students enrolled in public schools in the state on  
1447 October 1 of the previous fiscal year; or

1448 (ii) 328 foreign exchange students.

1449 (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah  
1450 Administrative Rulemaking Act, to administer the cap on the number of foreign exchange  
1451 students that may be counted for the purpose of apportioning state money under Subsection (2).

1452 (4) Notwithstanding Section **53F-2-601**, weighted pupil units in the grades 1-12 basic

1453 program for foreign exchange students, as determined by Subsections (2) and (3), may not be  
1454 included for the purposes of determining a school district's state guarantee money under  
1455 Section 53F-2-601.

1456 Section 35. Section 53F-2-304 is amended to read:

1457 **53F-2-304. Necessarily existent small schools -- Computing additional weighted**  
1458 **pupil units -- Consolidation of small schools.**

1459 (1) As used in this section, "necessarily existent small schools funding balance" means  
1460 the difference between:

1461 (a) the amount appropriated for the necessarily existent small schools program in a  
1462 fiscal year; and

1463 (b) the amount distributed to school districts for the necessarily existent small schools  
1464 program in the same fiscal year.

1465 (2) (a) Upon application by a local school board, the state board shall, in consultation  
1466 with the local school board, classify schools in the school district as necessarily existent small  
1467 schools, in accordance with this section and state board rules adopted under Subsection (3).

1468 (b) An application must be submitted to the state board before April 2, and the state  
1469 board must report a decision to a local school board before June 2.

1470 (3) The state board shall adopt standards and make rules, in accordance with Title 63G,  
1471 Chapter 3, Utah Administrative Rulemaking Act, to:

1472 (a) govern the approval of necessarily existent small schools consistent with principles  
1473 of efficiency and economy that serve the purpose of eliminating schools where consolidation is  
1474 feasible by participation in special school units; and

1475 (b) ensure that school districts are not building secondary schools in close proximity to  
1476 one another where economy and efficiency would be better served by one school meeting the  
1477 needs of secondary students in a designated geographical area.

1478 (4) A one or two-year secondary school that has received necessarily existent small  
1479 school money under this section prior to July 1, 2000, may continue to receive such money in  
1480 subsequent years.

1481 (5) The state board shall prepare and publish objective standards and guidelines for  
1482 determining which small schools are necessarily existent after consultation with local school  
1483 boards.



1484 (6) (a) Additional weighted pupil units for schools classified as necessarily existent  
1485 small schools shall be computed using regression formulas adopted by the state board.

1486 (b) The regression formulas establish the following maximum sizes for funding under  
1487 the necessarily existent small school program:

- 1488 (i) an elementary school 160
- 1489 (ii) a one or two-year secondary school 300
- 1490 (iii) a three-year secondary school 450
- 1491 (iv) a four-year secondary school 500
- 1492 (v) a six-year secondary school 600

1493 (c) Schools with fewer than 10 students shall receive the same add-on weighted pupil  
1494 units as schools with 10 students.

1495 (d) The state board shall prepare and distribute an allocation table based on the  
1496 regression formula to each school district.

1497 (7) (a) To avoid penalizing a school district financially for consolidating the school  
1498 district's small schools, additional weighted pupil units may be allowed a school district each  
1499 year, not to exceed two years.

1500 (b) The additional weighted pupil units may not exceed the difference between what  
1501 the school district receives for a consolidated school and what the school district would have  
1502 received for the small schools had the small schools not been consolidated.

1503 (8) Subject to legislative appropriation, the state board shall give first priority from an  
1504 appropriation made under this section to funding an expense approved by the state board as  
1505 described in Subsection 53G-6-305(3)(a).

1506 (9) (a) Subject to Subsection (9)(b) and after a distribution made under Subsection (8),  
1507 the state board may distribute a portion of necessarily existent small schools funding in  
1508 accordance with a formula adopted by the state board that considers the tax effort of a local  
1509 school board.

1510 (b) The amount distributed in accordance with Subsection (9)(a) may not exceed the  
1511 necessarily existent small schools fund in balance of the prior fiscal year.

1512 (10) A local school board may use the money allocated under this section for  
1513 maintenance and operation of school programs or for other school purposes as approved by the  
1514 state board.

1515 Section 36. Section 53F-2-305 is amended to read:

1516 **53F-2-305. Professional staff weighted pupil units.**

1517 (1) Professional staff weighted pupil units are computed and distributed in accordance  
1518 with the following schedule:

1519 (a) Professional Staff Cost Formula

	Years of Experience	Bachelor's Degree	Bachelor's +30 Qt. Hr.	Master's Degree	Master's Degree +45 Qt. Hr.	Doctorate
1520						
1521	1	1.00	1.05	1.10	1.15	1.20
1522	2	1.05	1.10	1.15	1.20	1.25
1523	3	1.10	1.15	1.20	1.25	1.30
1524	4	1.15	1.20	1.25	1.30	1.35
1525	5	1.20	1.25	1.30	1.35	1.40
1526	6	1.25	1.30	1.35	1.40	1.45
1527	7	1.30	1.35	1.40	1.45	1.50
1528	8	1.35	1.40	1.45	1.50	1.55
1529	9			1.50	1.55	1.60
1530	10				1.60	1.65
1531	11					1.70

1532 (b) Multiply the number of full-time or equivalent professional personnel in each  
1533 applicable experience category in Subsection (1)(a) by the applicable weighting factor.

1534 (c) Divide the total of Subsection (1)(b) by the number of professional personnel  
1535 included in Subsection (1)(b) and reduce the quotient by 1.00.

1536 (d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed  
1537 in accordance with Sections 53F-2-302 and 53F-2-304.

1538 (2) The state board shall enact rules in accordance with Title 63G, Chapter 3, Utah  
1539 Administrative Rulemaking Act, that require a certain percentage of a school district's or  
1540 charter school's professional staff to be certified in the area in which the staff teaches in order  
1541 for the school district or charter school to receive full funding under the schedule.

1542 (3) If an individual's teaching experience is a factor in negotiating a contract of

1543 employment to teach in the state's public schools, then the LEA governing board is encouraged  
1544 to accept as credited experience all of the years the individual has taught in the state's public  
1545 schools.

1546 Section 37. Section **53F-2-307** is amended to read:

1547 **53F-2-307. Weighted pupil units for programs for students with disabilities --**  
1548 **Local school board allocation.**

1549 (1) The number of weighted pupil units for students with disabilities shall reflect the  
1550 direct cost of programs for those students conducted in accordance with rules established by the  
1551 state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1552 (2) Disability program money allocated to school districts or charter schools is  
1553 restricted and shall be spent for the education of students with disabilities but may include  
1554 expenditures for approved programs of services conducted for certified instructional personnel  
1555 who have students with disabilities in their classes.

1556 (3) The state board shall establish and strictly interpret definitions and provide  
1557 standards for determining which students have disabilities and shall assist school districts and  
1558 charter schools in determining the services that should be provided to students with disabilities.

1559 (4) Each year the state board shall evaluate the standards and guidelines that establish  
1560 the identifying criteria for disability classifications to assure strict compliance with those  
1561 standards by the school districts and charter schools.

1562 (5) (a) Money appropriated to the state board for add-on WPU for students with  
1563 disabilities enrolled in regular programs shall be allocated to school districts and charter  
1564 schools as provided in this Subsection (5).

1565 (b) The state board shall use a school district's or charter school's average number of  
1566 special education add-on weighted pupil units determined by the previous five year's average  
1567 daily membership data as a foundation for the special education add-on appropriation.

1568 (c) A school district's or charter school's special education add-on WPU for the  
1569 current year may not be less than the foundation special education add-on WPU.

1570 (d) Growth WPU shall be added to the prior year special education add-on WPU, and  
1571 growth WPU shall be determined as follows:

1572 (i) The special education student growth factor is calculated by comparing S-3 total  
1573 special education ADM of two years previous to the current year to the S-3 total special

1574 education ADM three years previous to the current year, not to exceed the official October total  
1575 school district growth factor from the prior year.

1576 (ii) When calculating and applying the growth factor, a school district's S-3 total  
1577 special education ADM for a given year is limited to 12.18% of the school district's S-3 total  
1578 student ADM for the same year.

1579 (iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special  
1580 education ADM of two years previous to the current year.

1581 (iv) Growth ADMs for each school district or each charter school are multiplied by  
1582 1.53 weighted pupil units and added to the prior year special education add-on WPU to  
1583 determine each school district's or each charter school's total allocation.

1584 (6) If money appropriated under this chapter for programs for students with disabilities  
1585 does not meet the costs of school districts and charter schools for those programs, each school  
1586 district and each charter school shall first receive the amount generated for each student with a  
1587 disability under the basic program.

1588 Section 38. Section **53F-2-309** is amended to read:

1589 **53F-2-309. Appropriation for intensive special education costs.**

1590 (1) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
1591 Rulemaking Act, make rules establishing a distribution formula to allocate money appropriated  
1592 to the state board for Special Education -- Intensive Services that allocate to an LEA:

1593 (a) 50% of the appropriation based on the highest cost students with disabilities; and

1594 (b) 50% of the appropriation based on the highest impact to an LEA due to high cost  
1595 students with disabilities.

1596 (2) The state board shall allocate money appropriated to the state board for Special  
1597 Education -- Intensive Services in accordance with rules described in Subsection (1).

1598 Section 39. Section **53F-2-404** is amended to read:

1599 **53F-2-404. School LAND Trust Program distribution of funds.**

1600 (1) (a) By appropriation the Legislature shall fund the School LAND Trust Program,  
1601 established in Section **53G-7-1206**, on or before July 31 of each fiscal year:

1602 (i) from the Trust Distribution Account, created in Section **53F-9-201**; and

1603 (ii) except as provided in Subsection (1)(b), in the total amount of the quarterly  
1604 deposits made to the Trust Distribution Account for the School LAND Trust Program during

1605 the prior fiscal year.

1606 (b) The amount described in Subsection (1)(a)(ii) may not exceed an amount equal to  
1607 3% of the funds provided for the Minimum School Program, in accordance with this chapter,  
1608 each fiscal year.

1609 (c) Independently from the appropriation for the School LAND Trust Program  
1610 described in Subsection (1)(a), the Legislature shall make an annual appropriation to the state  
1611 board from the Trust Distribution Account, created in Section 53F-9-201, for the  
1612 administration of the School LAND Trust Program.

1613 (d) Any unused balance remaining from an amount appropriated under Subsection  
1614 (1)(c) shall be deposited into the Trust Distribution Account.

1615 (2) (a) The state board shall allocate the money referred to in Subsection (1)(a)  
1616 annually as follows:

1617 (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the  
1618 product of:

1619 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the  
1620 Blind divided by enrollment on October 1 in the prior year in public schools statewide; and

1621 (B) the total amount available for distribution under Subsection (1)(a);

1622 (ii) charter schools shall receive funding equal to the product of:

1623 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on  
1624 October 1 in the prior year in public schools statewide; and

1625 (B) the total amount available for distribution under Subsection (1)(a); and

1626 (iii) of the funds available for distribution under Subsection (1)(a) after the allocation  
1627 of funds for the Utah Schools for the Deaf and the Blind and charter schools:

1628 (A) school districts shall receive 10% of the funds on an equal basis; and

1629 (B) the remaining 90% of the funds shall be distributed to school districts on a per  
1630 student basis.

1631 (b) (i) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative  
1632 Rulemaking Act, the state board shall make rules specifying a formula to distribute the amount  
1633 allocated under Subsection (2)(a)(ii) to charter schools.

1634 (ii) In making rules under Subsection (2)(b)(i), the state board shall:

1635 (A) consult with the State Charter School Board; and

1636 (B) ensure that the rules include a provision that allows a charter school in the charter  
1637 school's first year of operations to receive funding based on projected enrollment, to be  
1638 adjusted in future years based on actual enrollment.

1639 (c) A school district shall distribute its allocation under Subsection (2)(a)(iii) to each  
1640 school within the school district on an equal per student basis.

1641 (d) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1642 Act, the state board may make rules regarding the time and manner in which the student count  
1643 shall be made for allocation of the money under Subsection (2)(a)(iii).

1644 Section 40. Section **53F-2-405** is amended to read:

1645 **53F-2-405. Educator salary adjustments.**

1646 (1) As used in this section, "educator" means a person employed by a school district,  
1647 charter school, or the Utah Schools for the Deaf and the Blind who holds:

1648 (a) a license issued by the state board; and

1649 (b) a position as a:

1650 (i) classroom teacher;

1651 (ii) speech pathologist;

1652 (iii) librarian or media specialist;

1653 (iv) preschool teacher;

1654 (v) mentor teacher;

1655 (vi) teacher specialist or teacher leader;

1656 (vii) guidance counselor;

1657 (viii) audiologist;

1658 (ix) psychologist; or

1659 (x) social worker.

1660 (2) In recognition of the need to attract and retain highly skilled and dedicated  
1661 educators, the Legislature shall annually appropriate money for educator salary adjustments,  
1662 subject to future budget constraints.

1663 (3) Money appropriated to the state board for educator salary adjustments shall be  
1664 distributed to school districts, charter schools, and the Utah Schools for the Deaf and the Blind  
1665 in proportion to the number of full-time-equivalent educator positions in a school district, a  
1666 charter school, or the Utah Schools for the Deaf and the Blind as compared to the total number

1667 of full-time-equivalent educator positions in school districts, charter schools, and the Utah  
1668 Schools for the Deaf and the Blind.

1669 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind  
1670 shall award bonuses to educators as follows:

1671 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent  
1672 educator position in the school district, charter school, or the Utah Schools for the Deaf and the  
1673 Blind;

1674 (b) an individual who is not a full-time educator shall receive a partial salary  
1675 adjustment based on the number of hours the individual works as an educator; and

1676 (c) a salary adjustment may be awarded only to an educator who has received a  
1677 satisfactory rating or above on the educator's most recent evaluation.

1678 (5) The state board may make rules as necessary to administer this section in  
1679 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1680 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient  
1681 money each year to:

1682 (i) maintain educator salary adjustments provided in prior years; and

1683 (ii) provide educator salary adjustments to new employees.

1684 (b) Money appropriated for educator salary adjustments shall include money for the  
1685 following employer-paid benefits:

1686 (i) retirement;

1687 (ii) worker's compensation;

1688 (iii) social security; and

1689 (iv) Medicare.

1690 (7) (a) Subject to future budget constraints, the Legislature shall:

1691 (i) maintain the salary adjustments provided to school administrators in the 2007-08  
1692 school year; and

1693 (ii) provide salary adjustments for new school administrators in the same amount as  
1694 provided for existing school administrators.

1695 (b) The appropriation provided for educator salary adjustments shall include salary  
1696 adjustments for school administrators as specified in Subsection (7)(a).

1697 (c) In distributing and awarding salary adjustments for school administrators, the state

1698 board, a school district, a charter school, or the Utah Schools for the Deaf and the Blind shall  
1699 comply with the requirements for the distribution and award of educator salary adjustments as  
1700 provided in Subsections (3) and (4).

1701 Section 41. Section **53F-2-409** is amended to read:

1702 **53F-2-409. Concurrent enrollment funding.**

1703 (1) The terms defined in Section **53E-10-301** apply to this section.

1704 (2) The state board shall allocate money appropriated for concurrent enrollment in  
1705 accordance with this section.

1706 (3) (a) The state board shall allocate money appropriated for concurrent enrollment in  
1707 proportion to the number of credit hours earned for courses taken where:

1708 (i) an LEA primarily bears the cost of instruction; and

1709 (ii) an institution of higher education primarily bears the cost of instruction.

1710 (b) From the money allocated under Subsection (3)(a)(i), the state board shall  
1711 distribute:

1712 (i) 60% of the money to LEAs; and

1713 (ii) 40% of the money to the State Board of Regents.

1714 (c) From the money allocated under Subsection (3)(a)(ii), the state board shall  
1715 distribute:

1716 (i) 40% of the money to LEAs; and

1717 (ii) 60% of the money to the State Board of Regents.

1718 (d) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1719 Administrative Rulemaking Act, providing for the distribution of the money to LEAs under  
1720 Subsections (3)(b)(i) and (3)(c)(i).

1721 (e) The State Board of Regents shall make rules, in accordance with Title 63G, Chapter  
1722 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated  
1723 to institutions of higher education under Subsections (3)(b)(ii) and (3)(c)(ii).

1724 (4) Subject to budget constraints, the Legislature shall annually increase the money  
1725 appropriated for concurrent enrollment in proportion to the percentage increase over the  
1726 previous school year in:

1727 (a) kindergarten through grade 12 student enrollment; and

1728 (b) the value of the weighted pupil unit.



1729 (5) If an LEA receives an allocation of less than \$10,000 under this section, the LEA  
1730 may use the allocation as described in Section 53F-2-206.

1731 Section 42. Section 53F-2-415 is amended to read:

1732 **53F-2-415. Student health and counseling support -- Qualifying personnel --**  
1733 **Distribution formula -- Rulemaking.**

1734 (1) As used in this section, "qualifying personnel" means a school counselor or other  
1735 counselor, school psychologist or other psychologist, school social worker or other social  
1736 worker, or school nurse who:

1737 (a) is licensed; and

1738 (b) collaborates with educators and a student's parent on:

1739 (i) early identification and intervention of the student's academic and mental health  
1740 needs; and

1741 (ii) removing barriers to learning and developing skills and behaviors critical for the  
1742 student's academic achievement.

1743 (2) (a) Subject to legislative appropriations, and in accordance with Subsection (2)(b),  
1744 the state board shall distribute money appropriated under this section to LEAs to provide in a  
1745 school targeted school-based mental health support, including clinical services and  
1746 trauma-informed care, through employing or entering into contracts for services provided by  
1747 qualifying personnel.

1748 (b) (i) The state board shall, after consulting with LEA governing boards, develop a  
1749 formula to distribute money appropriated under this section to LEAs.

1750 (ii) The state board shall ensure that the formula described in Subsection (2)(b)(i)  
1751 incentivizes an LEA to provide school-based mental health support in collaboration with the  
1752 local mental health authority of the county in which the LEA is located.

1753 (3) To qualify for money under this section, an LEA shall submit to the state board a  
1754 plan that includes:

1755 (a) measurable goals approved by the LEA governing board on improving student  
1756 safety, student engagement, school culture, or academic achievement;

1757 (b) how the LEA intends to meet the goals described in Subsection (3)(a) through the  
1758 use of the money;

1759 (c) how the LEA is meeting the requirements related to parent education described in

1760 Section 53G-9-703; and

1761 (d) whether the LEA intends to provide school-based mental health support in  
1762 collaboration with the local mental health authority of the county in which the LEA is located.

1763 (4) The state board shall distribute money appropriated under this section to an LEA  
1764 that qualifies under Subsection (3):

1765 (a) based on the formula described in Subsection (2)(b); and

1766 (b) in an amount of money that the LEA equally matches using local or unrestricted  
1767 state money.

1768 (5) An LEA may not use money distributed by the state board under this section to  
1769 supplant federal, state, or local money previously allocated to employ or enter into contracts for  
1770 services provided by qualified personnel.

1771 (6) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1772 Act, the state board shall make rules that establish:

1773 (a) procedures for submitting a plan for and distributing money under this section;

1774 (b) the formula the state board will use to distribute money to LEAs described in  
1775 Subsection (2)(b); and

1776 (c) in accordance with Subsection (7), annual reporting requirements for an LEA that  
1777 receives money under this section.

1778 (7) An LEA that receives money under this section shall submit an annual report to the  
1779 state board, including:

1780 (a) progress toward achieving the goals submitted under Subsection (3)(a);

1781 (b) if the LEA discontinues a qualifying personnel position, the LEA's reason for  
1782 discontinuing the position; and

1783 (c) how the LEA, in providing school-based mental health support, complies with the  
1784 provisions of Section 53E-9-203.

1785 (8) Beginning on or before July 1, 2019, the state board shall provide training that  
1786 instructs school personnel on the impact of childhood trauma on student learning, including  
1787 information advising educators against practicing medicine, giving a diagnosis, or providing  
1788 treatment.

1789 (9) The state board may use up to 2% of an appropriation under this section for costs  
1790 related to the administration of the provisions of this section.

1791 (10) Notwithstanding the provisions of this section, money appropriated under this  
1792 section may be used, as determined by the state board, for:

1793 (a) the SafeUT Crisis Line described in Section 53B-17-1202; or

1794 (b) youth suicide prevention programs described in Section 53G-9-702.

1795 Section 43. Section 53F-2-416 is amended to read:

1796 **53F-2-416. Appropriation and distribution for the Teacher and Student Success**  
1797 **Program.**

1798 (1) The terms defined in Section 53G-7-1301 apply to this section.

1799 (2) Subject to future budget constraints, the Legislature shall annually appropriate  
1800 money from the Teacher and Student Success Account described in Section 53F-9-306 to the  
1801 state board for the Teacher and Student Success Program.

1802 (3) Except as provided in Subsection (5)(a), the state board shall calculate an amount to  
1803 distribute to an LEA that is the product of:

1804 (a) the percentage of weighted pupil units in the LEA compared to the total number of  
1805 weighted pupil units for all LEAs in the state; and

1806 (b) the amount of the appropriation described in Subsection (2), less the amount  
1807 calculated, in accordance with state board rule, for:

1808 (i) an LEA that is in the LEA's first year of operation; and

1809 (ii) the Utah Schools for the Deaf and the Blind.

1810 (4) The state board shall distribute to an LEA an amount calculated for the LEA as  
1811 described in Subsection (3) if the LEA governing board of the LEA has submitted an LEA  
1812 governing board student success framework as required by the program.

1813 (5) In accordance with this section [~~and~~], Title 53G, Chapter 7, Part 13, Teacher and  
1814 Student Success Program, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1815 state board:

1816 (a) shall make rules to calculate an LEA distribution for:

1817 (i) an LEA that is in the LEA's first year of operation; and

1818 (ii) the Utah Schools for the Deaf and the Blind, taking into account all students who  
1819 receive services from the Utah Schools for the Deaf and the Blind, regardless of whether a  
1820 student is enrolled in another LEA; and

1821 (b) may make rules to distribute funds as described in this section.

1822 Section 44. Section **53F-2-417** is amended to read:

1823 **53F-2-417. Rural school district transportation grants.**

1824 (1) Subject to legislative appropriations and Subsection (2), the state board shall award  
1825 a grant for a school district to provide:

1826 (a) transportation to students who are not eligible for state-supported transportation  
1827 under Section **53F-2-403**;

1828 (b) transportation for students to and from student activities and field trips; or

1829 (c) replacement school buses.

1830 (2) The state board may only award a grant described in Subsection (1) to a school  
1831 district that:

1832 (a) qualifies for transportation money under Section **53F-2-403**;

1833 (b) is located in a county of the fourth, fifth, or sixth class, as defined in Section  
1834 **17-50-501**;

1835 (c) provides matching money, from the school district's board local levy described in  
1836 Section **53F-8-302**, in an amount equal to the grant the school district receives from the state  
1837 board under this section; and

1838 (d) dedicates the total grant and matching money to a transportation purpose described  
1839 in Subsection (1).

1840 (3) The state board shall determine the amount of a grant to award a school district  
1841 based on the prior-year miles traveled for purposes described in Subsections (1)(a) and (b).

1842 (4) [The] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1843 Act, the state board shall make rules to establish, for a grant described in this section,  
1844 procedures for:

1845 (a) a school district to apply for a grant; and

1846 (b) awarding a grant.

1847 Section 45. Section **53F-2-502** is amended to read:

1848 **53F-2-502. Dual language immersion.**

1849 (1) As used in this section:

1850 (a) "Dual language immersion" means an instructional setting in which a student  
1851 receives a portion of instruction in English and a portion of instruction exclusively in a partner  
1852 language.

1853 (b) "Local education agency" or "LEA" means a school district or a charter school.

1854 (c) "Participating LEA" means an LEA selected by the state board to receive a grant  
1855 described in this section.

1856 (d) "Partner language" means a language other than English in which instruction is  
1857 provided in dual language immersion.

1858 (2) The state board shall:

1859 (a) establish a dual language immersion program;

1860 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1861 make rules that establish:

1862 (i) a grant program for an LEA to receive funding for dual language immersion;

1863 (ii) the required qualifications for an LEA to be a participating LEA;

1864 (iii) subject to this section, requirements of a participating LEA;

1865 (iv) a proficiency assessment for each partner language; and

1866 (v) a progression of how a school in a participating LEA adds grade levels in which the  
1867 school offers dual language immersion;

1868 (c) subject to legislative appropriations:

1869 (i) select participating LEAs; and

1870 (ii) award to a participating LEA a grant to support dual language immersion in the  
1871 LEA; and

1872 (d) report to a legislative committee on the results of a proficiency assessment  
1873 described in Subsection (2)(b)(iv) upon request.

1874 (3) A participating LEA shall:

1875 (a) establish in a school a full-day dual language immersion instructional model that  
1876 provides at least 50% of instruction exclusively in a partner language;

1877 (b) in accordance with the state board rules described in Subsection (2)(b), add grades  
1878 in which dual language immersion is provided in a school; and

1879 (c) annually administer to each student in grades 3 through 8 who participates in dual  
1880 language immersion an assessment described in Subsection (2)(b)(iv).

1881 (4) The state board shall:

1882 (a) provide support to a participating LEA, including by:

1883 (i) offering professional learning for dual language immersion educators;

- 1884 (ii) developing curriculum related to dual language immersion; or
- 1885 (iii) providing instructional support for a partner language;
- 1886 (b) conduct a program evaluation of the dual language immersion program established
- 1887 under Subsection (2)(a); and
- 1888 (c) on or before November 1, 2019, report to the Education Interim Committee and the
- 1889 Public Education Appropriations Subcommittee on the results of the program evaluation
- 1890 described in Subsection (4)(b).
- 1891 (5) The state board may, in accordance with Title 63G, Chapter 6a, Utah Procurement
- 1892 Code, contract with a third party to conduct the program evaluation described in Subsection
- 1893 (4)(b).

1894 Section 46. Section **53F-2-503** is amended to read:

1895 **53F-2-503. Early Literacy Program -- Literacy proficiency plan.**

1896 (1) As used in this section:

1897 (a) "Program" means the Early Literacy Program.

1898 (b) "Program money" means:

1899 (i) school district revenue allocated to the program from other money available to the

1900 school district, except money provided by the state, for the purpose of receiving state funds

1901 under this section; and

1902 (ii) money appropriated by the Legislature to the program.

1903 (2) The Early Literacy Program consists of program money and is created to

1904 supplement other school resources for early literacy.

1905 (3) Subject to future budget constraints, the Legislature may annually appropriate

1906 money to the Early Literacy Program.

1907 (4) (a) An LEA governing board of a school district or a charter school that serves

1908 students in any of grades kindergarten through grade 3 shall submit a plan to the state board for

1909 literacy proficiency improvement that incorporates the following components:

1910 (i) core instruction in:

1911 (A) phonological awareness;

1912 (B) phonics;

1913 (C) fluency;

1914 (D) comprehension;

- 1915 (E) vocabulary;
- 1916 (F) oral language; and
- 1917 (G) writing;
- 1918 (ii) intervention strategies that are aligned to student needs;
- 1919 (iii) professional development for classroom teachers, literacy coaches, and
- 1920 interventionists in kindergarten through grade 3;
- 1921 (iv) assessments that support adjustments to core and intervention instruction;
- 1922 (v) a growth goal for the school district or charter school that:
- 1923 (A) is based upon student learning gains as measured by benchmark assessments
- 1924 administered pursuant to Section [53E-4-307](#); and
- 1925 (B) includes a target of at least 60% of all students in grades 1 through 3 meeting the
- 1926 growth goal;
- 1927 (vi) at least two goals that are specific to the school district or charter school that:
- 1928 (A) are measurable;
- 1929 (B) address current performance gaps in student literacy based on data; and
- 1930 (C) include specific strategies for improving outcomes; and
- 1931 (vii) if a school uses interactive literacy software, the use of interactive literacy
- 1932 software, including early interactive reading software described in Section [53F-4-203](#).
- 1933 (b) An LEA governing board shall approve a plan described in Subsection (4)(a) in a
- 1934 public meeting before submitting the plan to the state board.
- 1935 (c) The state board shall provide model plans that an LEA governing board may use, or
- 1936 an LEA governing board may develop the LEA governing board's own plan.
- 1937 (d) A plan developed by an LEA governing board shall be approved by the state board.
- 1938 (e) The state board shall develop uniform standards for acceptable growth goals that an
- 1939 LEA governing board adopts for a school district or charter school as described in this
- 1940 Subsection (4).
- 1941 (5) (a) There are created within the Early Literacy Program three funding programs:
- 1942 (i) the Base Level Program;
- 1943 (ii) the Guarantee Program; and
- 1944 (iii) the Low Income Students Program.
- 1945 (b) The state board may use up to \$7,500,000 from an appropriation described in

1946 Subsection (3) for computer-assisted instructional learning and assessment programs.  
1947           (6) Money appropriated to the state board for the Early Literacy Program and not used  
1948 by the state board for computer-assisted instructional learning and assessments described in  
1949 Subsection (5)(b) shall be allocated to the three funding programs as follows:  
1950           (a) 8% to the Base Level Program;  
1951           (b) 46% to the Guarantee Program; and  
1952           (c) 46% to the Low Income Students Program.  
1953           (7) (a) For a school district or charter school to participate in the Base Level Program,  
1954 the LEA governing board shall submit a plan described in Subsection (4) and shall receive  
1955 approval of the plan from the state board.  
1956           (b) (i) The local school board of a school district qualifying for Base Level Program  
1957 funds and the charter school governing boards of qualifying elementary charter schools  
1958 combined shall receive a base amount.  
1959           (ii) The base amount for the qualifying elementary charter schools combined shall be  
1960 allocated among each charter school in an amount proportionate to:  
1961           (A) each existing charter school's prior year fall enrollment in grades kindergarten  
1962 through grade 3; and  
1963           (B) each new charter school's estimated fall enrollment in grades kindergarten through  
1964 grade 3.  
1965           (8) (a) A local school board that applies for program money in excess of the Base Level  
1966 Program funds may choose to first participate in the Guarantee Program or the Low Income  
1967 Students Program.  
1968           (b) A school district shall fully participate in either the Guarantee Program or the Low  
1969 Income Students Program before the local school board may elect for the school district to  
1970 either fully or partially participate in the other program.  
1971           (c) For a school district to fully participate in the Guarantee Program, the local school  
1972 board shall allocate to the program money available to the school district, except money  
1973 provided by the state, equal to the amount of revenue that would be generated by a tax rate of  
1974 .000056.  
1975           (d) For a school district to fully participate in the Low Income Students Program, the  
1976 local school board shall allocate to the program money available to the school district, except



1977 money provided by the state, equal to the amount of revenue that would be generated by a tax  
1978 rate of .000065.

1979 (e) (i) The state board shall verify that a local school board allocates the money  
1980 required in accordance with Subsections (8)(c) and (d) before the state board distributes funds  
1981 in accordance with this section.

1982 (ii) The State Tax Commission shall provide the state board the information the state  
1983 board needs in order to comply with Subsection (8)(e)(i).

1984 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school  
1985 district that fully participates in the Guarantee Program shall receive state funds in an amount  
1986 that is:

1987 (i) equal to the difference between \$21 multiplied by the school district's total WPUs  
1988 and the revenue the local school board is required to allocate under Subsection (8)(c) for the  
1989 school district to fully participate in the Guarantee Program; and

1990 (ii) not less than \$0.

1991 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive  
1992 under the Guarantee Program an amount equal to \$21 times the elementary charter school's  
1993 total WPUs.

1994 (c) The state board may adjust the \$21 guarantee amount described in Subsections  
1995 (9)(a) and (b) to account for actual appropriations and money used by the state board for  
1996 computer-assisted instructional learning and assessments.

1997 (10) The state board shall distribute Low Income Students Program funds in an amount  
1998 proportionate to the number of students in each school district or charter school who qualify for  
1999 free or reduced price school lunch multiplied by two.

2000 (11) A school district that partially participates in the Guarantee Program or Low  
2001 Income Students Program shall receive program funds based on the amount of school district  
2002 revenue allocated to the program as a percentage of the amount of revenue that could have been  
2003 allocated if the school district had fully participated in the program.

2004 (12) (a) An LEA governing board shall use program money for early literacy  
2005 interventions and supports in kindergarten through grade 3 that have proven to significantly  
2006 increase the percentage of students who are proficient in literacy, including:

2007 (i) evidence-based intervention curriculum;

2008 (ii) literacy assessments that identify student learning needs and monitor learning  
2009 progress; or

2010 (iii) focused literacy interventions that may include:

2011 (A) the use of reading specialists or paraprofessionals;

2012 (B) tutoring;

2013 (C) before or after school programs;

2014 (D) summer school programs; or

2015 (E) the use of interactive computer software programs for literacy instruction and  
2016 assessments for students.

2017 (b) An LEA governing board may use program money for portable technology devices  
2018 used to administer literacy assessments.

2019 (c) Program money may not be used to supplant funds for existing programs, but may  
2020 be used to augment existing programs.

2021 (13) (a) An LEA governing board shall annually submit a report to the state board  
2022 accounting for the expenditure of program money in accordance with the LEA governing  
2023 board's plan described in Subsection (4).

2024 (b) If an LEA governing board uses program money in a manner that is inconsistent  
2025 with Subsection (12), the school district or charter school is liable for reimbursing the state  
2026 board for the amount of program money improperly used, up to the amount of program money  
2027 received from the state board.

2028 (14) (a) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative  
2029 Rulemaking Act, the state board shall make rules to implement the program.

2030 (b) (i) The rules under Subsection (14)(a) shall require each LEA governing board to  
2031 annually report progress in meeting goals described in Subsections (4)(a)(v) and (vi), including  
2032 the strategies the school district or charter school uses to address the goals.

2033 (ii) If a school district or charter school does not meet or exceed the school district's or  
2034 charter school's goals described in Subsection (4)(a)(v) or (vi), the LEA governing board shall  
2035 prepare a new plan that corrects deficiencies.

2036 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the state  
2037 board before the LEA governing board receives an allocation for the next year.

2038 (15) (a) The state board shall:

2039 (i) develop strategies to provide support for a school district or charter school that fails  
2040 to meet a goal described in Subsection (4)(a)(v) or (vi); and

2041 (ii) provide increasing levels of support to a school district or charter school that fails  
2042 to meet a goal described in Subsection (4)(a)(v) or (vi) for two consecutive years.

2043 (b) (i) The state board shall use a digital reporting platform to provide information to  
2044 school districts and charter schools about interventions that increase proficiency in literacy.

2045 (ii) The digital reporting platform shall include performance information for a school  
2046 district or charter school on the goals described in Subsections (4)(a)(v) and (vi).

2047 (16) The state board may use up to 3% of the funds appropriated by the Legislature to  
2048 carry out the provisions of this section for administration of the program.

2049 (17) The state board shall make an annual report in accordance with Section [53E-1-203](#)  
2050 that:

2051 (a) includes information on:

2052 (i) student learning gains in early literacy for the past school year and the five-year  
2053 trend;

2054 (ii) the percentage of grade 3 students who are proficient in English language arts in the  
2055 past school year and the five-year trend;

2056 (iii) the progress of school districts and charter schools in meeting goals described in a  
2057 plan described in Subsection (4)(a); and

2058 (iv) the specific strategies or interventions used by school districts or charter schools  
2059 that have significantly improved early grade literacy proficiency; and

2060 (b) may include recommendations on how to increase the percentage of grade 3  
2061 students who are proficient in English language arts, including how to use a strategy or  
2062 intervention described in Subsection (17)(a)(iv) to improve literacy proficiency for additional  
2063 students.

2064 (18) The report described in Subsection (17) shall include information provided  
2065 through the digital reporting platform described in Subsection (15)(b).

2066 Section 47. Section **53F-2-506** is amended to read:

2067 **53F-2-506. Beverley Taylor Sorenson Elementary Arts Learning Program.**

2068 (1) As used in this section:

2069 (a) "Endowed chair" means a person who holds an endowed position or administrator

2070 of an endowed program for the purpose of arts and integrated arts instruction at an endowed  
2071 university.

2072 (b) "Endowed university" means an institution of higher education in the state that:

2073 (i) awards elementary education degrees in arts instruction;

2074 (ii) has received a major philanthropic donation for the purpose of arts and integrated  
2075 arts instruction; and

2076 (iii) has created an endowed position as a result of a donation described in Subsection  
2077 (1)(b)(ii).

2078 (c) "Integrated arts advocate" means a person who:

2079 (i) advocates for arts and integrated arts instruction in the state; and

2080 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed  
2081 chair.

2082 (2) The Legislature finds that a strategic placement of arts in elementary education can  
2083 impact the critical thinking of students in other core subject areas, including mathematics,  
2084 reading, and science.

2085 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to  
2086 enhance the social, emotional, academic, and arts learning of students in kindergarten through  
2087 grade 6 by integrating arts teaching and learning into core subject areas and providing  
2088 professional development for positions that support elementary arts and integrated arts  
2089 education.

2090 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts  
2091 Learning Program, and subject to Subsection (5), the state board shall, after consulting with  
2092 endowed chairs and the integrated arts advocate and receiving their recommendations,  
2093 administer a grant program to enable LEAs to:

2094 (a) hire highly qualified arts specialists, art coordinators, and other positions that  
2095 support arts education and arts integration;

2096 (b) provide up to \$10,000 in one-time funds for each new school arts specialist  
2097 described under Subsection (4)(a) to purchase supplies and equipment; and

2098 (c) engage in other activities that improve the quantity and quality of integrated arts  
2099 education.

2100 (5) (a) An LEA that receives a grant under Subsection (4) shall provide matching funds

2101 of no less than 20% of the grant amount, including no less than 20% of the grant amount for  
2102 actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

2103 (b) An LEA may not:

2104 (i) include administrative, facility, or capital costs to provide the matching funds

2105 required under Subsection (5)(a); or

2106 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to  
2107 supplant funds for existing programs.

2108 (6) An LEA that receives a grant under this section shall partner with an endowed chair  
2109 to provide professional development in integrated elementary arts education.

2110 (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts  
2111 Learning Program, the state board shall administer a grant program to fund activities within  
2112 arts and the integrated arts programs at an endowed university in the college where the  
2113 endowed chair resides to:

2114 (a) provide high quality professional development in elementary integrated arts  
2115 education in accordance with the professional learning standards in Section [53G-11-303](#) to  
2116 LEAs that receive a grant under Subsection (4);

2117 (b) design and conduct research on:

2118 (i) elementary integrated arts education and instruction;

2119 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts  
2120 Learning Program; and

2121 (iii) effectiveness of the professional development under Subsection (7)(a); and

2122 (c) provide the public with integrated elementary arts education resources.

2123 (8) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
2124 Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson Elementary Arts  
2125 Learning Program.

2126 Section 48. Section **53F-2-508** is amended to read:

2127 **53F-2-508. Student Leadership Skills Development Program.**

2128 (1) For purposes of this section, "program" means the Student Leadership Skills  
2129 Development Program created in Subsection (2).

2130 (2) There is created the Student Leadership Skills Development Program to develop  
2131 student behaviors and skills that enhance a school's learning environment and are vital for

2132 success in a career, including:

- 2133 (a) communication skills;
- 2134 (b) teamwork skills;
- 2135 (c) interpersonal skills;
- 2136 (d) initiative and self-motivation;
- 2137 (e) goal setting skills;
- 2138 (f) problem solving skills; and
- 2139 (g) creativity.

2140 (3) (a) The state board shall administer the program and award grants to elementary  
2141 schools that apply for a grant on a competitive basis.

2142 (b) The state board may award a grant of:

- 2143 (i) up to \$10,000 per school for the first year a school participates in the program; and
- 2144 (ii) up to \$20,000 per school for subsequent years a school participates in the program.

2145 (c) (i) After awarding a grant to a school for a particular year, the state board may not  
2146 change the grant amount awarded to the school for that year.

2147 (ii) The state board may award a school a different amount in subsequent years.

2148 (4) An elementary school may participate in the program established under this section  
2149 in accordance with state board rules made in accordance with Title 63G, Chapter 3, Utah  
2150 Administrative Rulemaking Act.

2151 (5) In selecting elementary schools to participate in the program, the state board shall:

2152 (a) require a school in the first year the school participates in the program to provide  
2153 matching funds or an in-kind contribution of goods or services in an amount equal to the grant  
2154 the school receives from the state board;

2155 (b) require a school to participate in the program for two years; and

2156 (c) give preference to Title I schools or schools in need of academic improvement.

2157 (6) The state board shall make the following information related to the grants described  
2158 in Subsection (3) publicly available on the state board's website:

2159 (a) reimbursement procedures that clearly define how a school may spend grant money  
2160 and how the state board will reimburse the school;

2161 (b) the period of time a school is permitted to spend grant money;

2162 (c) criteria for selecting a school to receive a grant; and

- 2163 (d) a list of schools that receive a grant and the amount of each school's grant.
- 2164 (7) A school that receives a grant described in Subsection (3) shall:
- 2165 (a) (i) set school-wide goals for the school's student leadership skills development
- 2166 program; and
- 2167 (ii) require each student to set personal goals; and
- 2168 (b) provide the following to the state board after the first school year of implementation
- 2169 of the program:
- 2170 (i) evidence that the grant money was used for the purpose of purchasing or developing
- 2171 the school's own student leadership skills development program; and
- 2172 (ii) a report on the effectiveness and impact of the school's student leadership skills
- 2173 development program on student behavior and academic results as measured by:
- 2174 (A) a reduction in truancy;
- 2175 (B) assessments of academic achievement;
- 2176 (C) a reduction in incidents of student misconduct or disciplinary actions; and
- 2177 (D) the achievement of school-wide goals and students' personal goals.
- 2178 (8) After participating in the program for two years, a school may not receive
- 2179 additional grant money in subsequent years if the school fails to demonstrate an improvement
- 2180 in student behavior and academic achievement as measured by the data reported under
- 2181 Subsection (7)(b).
- 2182 Section 49. Section **53F-2-510** is amended to read:
- 2183 **53F-2-510. Digital Teaching and Learning Grant Program.**
- 2184 (1) As used in this section:
- 2185 (a) "Advisory committee" means the committee established by the state board under
- 2186 Subsection [~~(9)~~] (7)(b).
- 2187 (b) "Digital readiness assessment" means an assessment provided by the state board
- 2188 that:
- 2189 (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive
- 2190 digital teaching and learning; and
- 2191 (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital
- 2192 teaching and learning.
- 2193 (c) "High quality professional learning" means the professional learning standards

2194 described in Section [53G-11-303](#).

2195 (d) "Implementation assessment" means an assessment that analyzes an LEA's  
2196 implementation of an LEA plan, including identifying areas for improvement, obstacles to  
2197 implementation, progress toward the achievement of stated goals, and recommendations going  
2198 forward.

2199 (e) "LEA plan" means an LEA's plan to implement a digital teaching and learning  
2200 program that meets the requirements of this section and requirements set forth by the state  
2201 board and the advisory committee.

2202 (f) "Program" means the Digital Teaching and Learning Grant Program created and  
2203 described in Subsections (6) through (11).

2204 (g) "Utah Education and Telehealth Network" or "UETN" means the Utah Education  
2205 and Telehealth Network created in Section [53B-17-105](#).

2206 (2) (a) The state board shall establish a digital teaching and learning task force to  
2207 develop a funding proposal to present to the Legislature for digital teaching and learning in  
2208 elementary and secondary schools.

2209 (b) The digital teaching and learning task force shall include representatives of:

2210 (i) the state board;

2211 (ii) UETN;

2212 (iii) LEAs; and

2213 (iv) the Governor's Education Excellence Commission.

2214 (3) As funding allows, the state board shall develop a master plan for a statewide  
2215 digital teaching and learning program, including the following:

2216 (a) a statement of purpose that describes the objectives or goals the state board will  
2217 accomplish by implementing a digital teaching and learning program;

2218 (b) a forecast for fundamental components needed to implement a digital teaching and  
2219 learning program, including a forecast for:

2220 (i) student and teacher devices;

2221 (ii) Wi-Fi and wireless compatible technology;

2222 (iii) curriculum software;

2223 (iv) assessment solutions;

2224 (v) technical support;



- 2225 (vi) change management of LEAs;
- 2226 (vii) high quality professional learning;
- 2227 (viii) Internet delivery and capacity; and
- 2228 (ix) security and privacy of users;
- 2229 (c) a determination of the requirements for:
- 2230 (i) statewide technology infrastructure; and
- 2231 (ii) local LEA technology infrastructure;
- 2232 (d) standards for high quality professional learning related to implementing and
- 2233 maintaining a digital teaching and learning program;
- 2234 (e) a statewide technical support plan that will guide the implementation and
- 2235 maintenance of a digital teaching and learning program, including standards and competency
- 2236 requirements for technical support personnel;
- 2237 (f) (i) a grant program for LEAs; or
- 2238 (ii) a distribution formula to fund LEA digital teaching and learning programs;
- 2239 (g) in consultation with UETN, an inventory of the state public education system's
- 2240 current technology resources and other items and a plan to integrate those resources into a
- 2241 digital teaching and learning program;
- 2242 (h) an ongoing evaluation process that is overseen by the state board;
- 2243 (i) proposed rules that incorporate the principles of the master plan into the state's
- 2244 public education system as a whole; and
- 2245 (j) a plan to ensure long-term sustainability that:
- 2246 (i) accounts for the financial impacts of a digital teaching and learning program; and
- 2247 (ii) facilitates the redirection of LEA savings that arise from implementing a digital
- 2248 teaching and learning program.
- 2249 (4) UETN shall:
- 2250 (a) in consultation with the state board, conduct an inventory of the state public
- 2251 education system's current technology resources and other items as determined by UETN,
- 2252 including software;
- 2253 (b) perform an engineering study to determine the technology infrastructure needs of
- 2254 the public education system to implement a digital teaching and learning program, including
- 2255 the infrastructure needed for the state board, UETN, and LEAs; and

2256 (c) as funding allows, provide infrastructure and technology support for school districts  
2257 and charter schools.

2258 (5) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school  
2259 within an LEA, shall annually complete a digital readiness assessment.

2260 (6) There is created the Digital Teaching and Learning Grant Program to improve  
2261 educational outcomes in public schools by effectively incorporating comprehensive digital  
2262 teaching and learning technology.

2263 (7) The state board shall:

2264 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2265 adopt rules for the administration of the program, including rules requiring:

2266 (i) an LEA plan to include measures to ensure that the LEA monitors and implements  
2267 technology with best practices, including the recommended use for effectiveness;

2268 (ii) an LEA plan to include robust goals for learning outcomes and appropriate  
2269 measurements of goal achievement;

2270 (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a  
2271 combination of grant and local funds; and

2272 (iv) an LEA to report on funds from expenses previous to the implementation of the  
2273 LEA plan that the LEA has redirected after implementation;

2274 (b) establish an advisory committee to make recommendations on the program and  
2275 LEA plan requirements and report to the state board; and

2276 (c) in accordance with this section, approve LEA plans and award grants.

2277 (8) (a) The state board shall, subject to legislative appropriations, award a grant to an  
2278 LEA:

2279 (i) that submits an LEA plan that meets the requirements described in Subsection (9);  
2280 and

2281 (ii) for which the LEA's leadership and management members have completed a digital  
2282 teaching and learning leadership and implementation training as provided in Subsection (8)(b).

2283 (b) The state board or its designee shall provide the training described in Subsection  
2284 (8)(a)(ii).

2285 (9) The state board shall establish requirements of an LEA plan that shall include:

2286 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an

2287 obstacle to implementation or other issues identified in the assessment;

2288 (b) a proposal to provide high quality professional learning for educators in the use of  
2289 digital teaching and learning technology;

2290 (c) a proposal for leadership training and management restructuring, if necessary, for  
2291 successful implementation;

2292 (d) clearly identified targets for improved student achievement, student learning, and  
2293 college readiness through digital teaching and learning; and

2294 (e) any other requirement established by the state board in rule made in accordance  
2295 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application  
2296 process and metrics to analyze the quality of a proposed LEA plan.

2297 (10) The state board or the state board's designee shall establish an interactive  
2298 dashboard available to each LEA that is awarded a grant for the LEA to track and report the  
2299 LEA's long-term, intermediate, and direct outcomes in realtime and for the LEA to use to  
2300 create customized reports.

2301 (11) (a) There is no federal funding, federal requirement, federal education agreement,  
2302 or national program included or related to this state adopted program.

2303 (b) Any inclusion of federal funding, federal requirement, federal education agreement,  
2304 or national program shall require separate express approval as provided in Title 53E, Chapter 3,  
2305 Part 8, Implementing Federal or National Education Programs.

2306 (12) (a) An LEA that receives a grant as part of the program shall:

2307 (i) subject to Subsection (12)(b), complete an implementation assessment for each year  
2308 that the LEA is expending grant money; and

2309 (ii) (A) report the findings of the implementation assessment to the state board; and

2310 (B) submit to the state board a plan to resolve issues raised in the implementation  
2311 assessment.

2312 (b) Each school within the LEA shall:

2313 (i) complete an implementation assessment; and

2314 (ii) submit a compilation report that meets the requirements described in Subsections  
2315 (12)(a)(ii)(A) and (B).

2316 (13) The state board or the state board's designee shall review an implementation  
2317 assessment and review each participating LEA's progress from the previous year, as applicable.

- 2318 (14) The state board shall establish interventions for an LEA that does not make  
2319 progress on implementation of the LEA's implementation plan, including:
- 2320 (a) nonrenewal of, or time period extensions for, the LEA's grant;
  - 2321 (b) reduction of funds; or
  - 2322 (c) other interventions to assist the LEA.
- 2323 (15) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board  
2324 shall contract with an independent evaluator to:
- 2325 (a) annually evaluate statewide direct and intermediate outcomes beginning the first  
2326 year that grants are awarded, including baseline data collection for long-term outcomes;
  - 2327 (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate  
2328 statewide long-term outcomes; and
  - 2329 (c) report on the information described in Subsections (15)(a) and (b) to the state  
2330 board.
- 2331 (16) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter  
2332 6a, Utah Procurement Code, or other agreement with one or more providers of technology  
2333 powered learning solutions and one or more providers of wireless networking solutions may be  
2334 entered into by:
- 2335 (i) UETN, in cooperation with or on behalf of, as applicable, the state board, the state  
2336 board's designee, or an LEA; or
  - 2337 (ii) an LEA.
- 2338 (b) A contract or agreement entered into under Subsection (16)(a) may be a contract or  
2339 agreement that:
- 2340 (i) UETN enters into with a provider and payment for services is directly appropriated  
2341 by the Legislature, as funds are available, to UETN;
  - 2342 (ii) UETN enters into with a provider and pays for the provider's services and is  
2343 reimbursed for payments by an LEA that benefits from the services;
  - 2344 (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or  
2345 agreement directly with the provider and the LEA pays directly for the provider's services; or
  - 2346 (iv) an LEA enters into directly, pays a provider, and receives preapproved  
2347 reimbursement from a UETN fund established for this purpose.
- 2348 (c) If an LEA does not reimburse UETN in a reasonable time for services received

2349 under a contract or agreement described in Subsection (16)(b), the state board shall pay the  
2350 balance due to UETN from the LEA's funds received under Title 53F, Chapter 2, State Funding  
2351 -- Minimum School Program.

2352 (d) If UETN negotiates or enters into an agreement as described in Subsection  
2353 (16)(b)(ii) or (16)(b)(iii), and UETN enters into an additional agreement with an LEA that is  
2354 associated with the agreement described in Subsection (16)(b)(ii) or (16)(b)(iii), the associated  
2355 agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is  
2356 defined in Section [63G-6a-103](#), regardless of whether the associated agreement satisfies the  
2357 requirements of Section [63G-6a-2105](#).

2358 Section 50. Section **53F-2-511** is amended to read:

2359 **53F-2-511. Reimbursement Program for Early Graduation From**  
2360 **Competency-Based Education.**

2361 (1) As used in this section:

2362 (a) "Cohort" means a group of students, defined by the year in which the group enters  
2363 grade 9.

2364 (b) "Eligible LEA" means an LEA that has demonstrated to the state board that the  
2365 LEA or, for a school district, a school within the LEA, provides and facilitates  
2366 competency-based education that:

2367 (i) is based on the core principles described in Section [53F-5-502](#); and

2368 (ii) meets other criteria established by the state board in rule made in accordance with  
2369 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2370 (c) "Eligible student" means an individual who:

2371 (i) attended an eligible LEA and graduated by completing graduation requirements, as  
2372 described in Section [53E-4-204](#), earlier than that individual's cohort completed graduation  
2373 requirements because of the individual's participation in the eligible LEA's competency-based  
2374 education;

2375 (ii) no longer attends the eligible LEA; and

2376 (iii) is not included in the LEA's average daily membership under this chapter.

2377 (d) "Partial pupil" means if an eligible student attends less than a full year of  
2378 membership, the number of days the student was in membership compared to a full  
2379 membership year.

2380 (e) "Program" means the Reimbursement Program for Early Graduation From  
2381 Competency-Based Education established in this section.

2382 (2) (a) There is established the Reimbursement Program for Early Graduation From  
2383 Competency-Based Education.

2384 (b) Subject to future budget constraints, the Legislature may annually appropriate  
2385 money to the Reimbursement Program for Early Graduation From Competency-Based  
2386 Education.

2387 (3) An LEA may apply to the state board to receive a reimbursement, as described in  
2388 Subsection (5), for an eligible student.

2389 (4) The state board shall approve a reimbursement to an LEA after the LEA  
2390 demonstrates:

2391 (a) that the LEA is an eligible LEA; and

2392 (b) that the individual for whom the eligible LEA requests reimbursement is an eligible  
2393 student.

2394 (5) (a) For each eligible student, the state board shall only reimburse an eligible LEA:

2395 (i) if the eligible student attended the eligible LEA for less than a full school year  
2396 before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro  
2397 rated based on the difference between:

2398 (A) the number of days of partial pupil in average daily membership earned by the  
2399 eligible LEA while the eligible student was still in attendance; and

2400 (B) a full pupil in average daily membership; and

2401 (ii) the value of one weighted pupil unit for each full school year the eligible student  
2402 graduated ahead of the eligible student's cohort.

2403 (b) The state board shall:

2404 (i) use data from the prior year average daily membership to determine the number of  
2405 eligible students; and

2406 (ii) reimburse the eligible LEA in the current school year.

2407 (6) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
2408 Rulemaking Act, adopt rules to administer the provisions of this section.

2409 Section 51. Section **53F-2-512** is amended to read:

2410 **53F-2-512. Appropriation for accommodation plans for students with Section 504**

2411 **accommodations.**

2412 (1) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
 2413 Administrative Rulemaking Act, that establish a reimbursement program that:

2414 (a) distributes any money appropriated to the state board for Special Education --

2415 Section 504 Accommodations;

2416 (b) allows an LEA to apply for reimbursement of the costs of services that:

2417 (i) an LEA renders to a student with a Section 504 accommodation plan; and

2418 (ii) exceed 150% of the average cost of a general education student; and

2419 (c) provides for a pro-rated reimbursement based on the amount of reimbursement  
 2420 applications received during a given fiscal year and the amount of money appropriated to the  
 2421 state board that fiscal year.

2422 (2) Beginning with the 2018-19 school year, the state board shall allocate money  
 2423 appropriated to the state board for Special Education -- Section 504 Accommodations in  
 2424 accordance with the rules described in Subsection (1).

2425 Section 52. Section **53F-2-513** is amended to read:

2426 **53F-2-513. Effective Teachers in High Poverty Schools Incentive Program --**

2427 **Salary bonus -- Evaluation.**

2428 (1) As used in this section:

2429 (a) "Cohort" means a group of students, defined by the year in which the group enters  
 2430 grade 1.

2431 (b) "Eligible teacher" means a teacher who:

2432 (i) is employed as a teacher in a high poverty school at the time the teacher is  
 2433 considered by the state board for a salary bonus; and

2434 (ii) achieves a median growth percentile of 70 or higher:

2435 (A) a full school year before the school year the eligible teacher is being considered by  
 2436 the state board for a salary bonus under this section, regardless of whether the teacher was  
 2437 employed the previous school year by a high poverty school or a different public school; and

2438 (B) while teaching at any public school in the state a course for which a standards  
 2439 assessment is administered as described in Section [53E-4-303](#).

2440 (c) "High poverty school" means a public school:

2441 (i) in which:

2442 (A) more than 20% of the enrolled students are classified as children affected by  
2443 intergenerational poverty; or

2444 (B) 70% or more of the enrolled students qualify for free or reduced lunch; or

2445 (ii) (A) that has previously met the criteria described in Subsection (1)(c)(i)(A) and for  
2446 each school year since meeting that criteria at least 15% of the enrolled students at the public  
2447 school have been classified as children affected by intergenerational poverty; or

2448 (B) that has previously met the criteria described in Subsection (1)(c)(i)(B) and for  
2449 each school year since meeting that criteria at least 60% of the enrolled students at the public  
2450 school have qualified for free or reduced lunch.

2451 (d) "Intergenerational poverty" means the same as that term is defined in Section  
2452 [35A-9-102](#).

2453 (e) "Median growth percentile" means a number that describes the comparative  
2454 effectiveness of a teacher in helping the teacher's students achieve growth in a year by  
2455 identifying the median student growth percentile of all the students a teacher instructs.

2456 (f) "Program" means the Effective Teachers in High Poverty Schools Incentive  
2457 Program created in Subsection (2).

2458 (g) "Student growth percentile" is a number that describes where a student ranks in  
2459 comparison to the student's cohort.

2460 (2) (a) The Effective Teachers in High Poverty Schools Incentive Program is created to  
2461 provide an annual salary bonus for an eligible teacher.

2462 (b) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
2463 Rulemaking Act, make rules for:

2464 (i) the administration of the program;

2465 (ii) payment of a salary bonus; and

2466 (iii) application requirements.

2467 (c) The state board shall make an annual salary bonus payment in a fiscal year that  
2468 begins on July 1, 2017, and each fiscal year thereafter in which money is appropriated for the  
2469 program.

2470 (3) (a) Subject to future budget constraints, the Legislature shall annually appropriate  
2471 money to fund the program.

2472 (b) Money appropriated for the program shall include money for the following



2473 employer-paid benefits:

2474 (i) social security; and

2475 (ii) Medicare.

2476 (4) (a) (i) A charter school or school district school shall annually apply to the state  
2477 board on behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus  
2478 each year that the teacher is an eligible teacher.

2479 (ii) A teacher need not be an eligible teacher in consecutive years to receive the  
2480 increased annual salary bonus described in Subsection (4)(b).

2481 (b) The annual salary bonus for an eligible teacher is \$5,000.

2482 (c) A public school that applies on behalf of an eligible teacher under Subsection  
2483 (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible  
2484 teacher is awarded the salary bonus.

2485 (d) The state board shall award a salary bonus to an eligible teacher based on the order  
2486 that an application from a public school on behalf of the eligible teacher is received.

2487 (5) The state board shall:

2488 (a) determine if a teacher is an eligible teacher; and

2489 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school  
2490 district and school district administrators.

2491 (6) The state board shall:

2492 (a) distribute money from the program to school districts and charter schools in  
2493 accordance with this section and state board rule; and

2494 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the  
2495 salary bonus amount described in Subsection (4)(b).

2496 (7) Money received from the program shall be used by a school district or charter  
2497 school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for  
2498 each eligible teacher and to pay affiliated employer-paid benefits described in Subsection  
2499 (3)(b).

2500 (8) (a) After the third year salary bonus payments are made, and each succeeding year,  
2501 the state board shall evaluate the extent to which a salary bonus described in this section  
2502 improves recruitment and retention of effective teachers in high poverty schools by at least:

2503 (i) surveying teachers who receive the salary bonus; and

2504 (ii) examining turnover rates of teachers who receive the salary bonus compared to  
2505 teachers who do not receive the salary bonus.

2506 (b) Each year that the state board conducts an evaluation described in Subsection  
2507 (8)(a), the state board shall, in accordance with Section 68-3-14, submit a report on the results  
2508 of the evaluation to the Education Interim Committee on or before November 30.

2509 (9) A public school shall annually notify a teacher:

2510 (a) of the teacher's median growth percentile; and

2511 (b) how the teacher's median growth percentile is calculated.

2512 (10) Notwithstanding this section, if the appropriation for the program is insufficient to  
2513 cover the costs associated with salary bonuses, the state board may limit or reduce a salary  
2514 bonus.

2515 Section 53. Section **53F-2-514** is amended to read:

2516 **53F-2-514. Job enhancements for mathematics, science, technology, and special**  
2517 **education training.**

2518 (1) As used in this section, "special education teacher" includes occupational therapist.

2519 (2) The Public Education Job Enhancement Program is established to attract, train, and  
2520 retain highly qualified:

2521 (a) secondary teachers with expertise in mathematics, physics, chemistry, physical  
2522 science, learning technology, or information technology;

2523 (b) special education teachers; and

2524 (c) teachers in grades 4 through 6 with mathematics endorsements.

2525 (3) The program shall provide for the following:

2526 (a) application by a school district superintendent or the principal of a school on behalf  
2527 of a qualified teacher;

2528 (b) an award of up to \$20,000 or a scholarship to cover the tuition costs for a master's  
2529 degree, an endorsement, or graduate education in the areas identified in Subsection (2) to be  
2530 given to selected public school teachers on a competitive basis:

2531 (i) whose applications are approved; and

2532 (ii) who teach in the state's public education system for four years in the areas  
2533 identified in Subsection (2);

2534 (c) (i) as to the cash awards under Subsection (3)(b), payment of the award in two

2535 installments, with an initial payment of up to \$10,000 at the beginning of the term and up to  
2536 \$10,000 at the conclusion of the term;

2537 (ii) repayment of a portion of the initial payment by the teacher if the teacher fails to  
2538 complete two years of the four-year teaching term in the areas identified in Subsection (2) as  
2539 provided by rule of the state board made in accordance with Title 63G, Chapter 3, Utah  
2540 Administrative Rulemaking Act, unless waived for good cause by the state board; and

2541 (iii) nonpayment of the second installment if the teacher fails to complete the four-year  
2542 teaching term; and

2543 (d) (i) as to the scholarships awarded under Subsection (3)(b), provision for the  
2544 providing institution to certify adequate performance in obtaining the master's degree,  
2545 endorsement, or graduate education in order for the teacher to maintain the scholarship; and

2546 (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails  
2547 to complete the authorized classes or program or to teach in the state system of public  
2548 education in the areas identified in Subsection (2) for four years after obtaining the master's  
2549 degree, the endorsement, or graduate education.

2550 (4) An individual teaching in the public schools under a letter of authorization may  
2551 participate in the cash award program if:

2552 (a) the individual has taught under the letter of authorization for at least one year in the  
2553 areas referred to in Subsection (2); and

2554 (b) the application made under Subsection (3)(a) is based in large part upon the  
2555 individual receiving a superior evaluation as a classroom teacher.

2556 (5) (a) The program may provide for the expenditure of up to \$1,000,000 of available  
2557 money, if at least an equal amount of matching money becomes available, to provide  
2558 professional development training to superintendents, administrators, and principals in the  
2559 effective use of technology in public schools.

2560 (b) An award granted under this Subsection (5) shall be made in accordance with  
2561 criteria developed and adopted by the state board in rule made in accordance with Title 63G,  
2562 Chapter 3, Utah Administrative Rulemaking Act.

2563 (c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may  
2564 be expended, regardless of the matching money being available.

2565 Section 54. Section **53F-2-520** is amended to read:

- 2566           **53F-2-520. Rural school transportation reimbursement.**
- 2567           (1) As used in this section:
- 2568           (a) "Eligible LEA" means a school district or a charter school:
- 2569           (i) that is located in a county of the fourth, fifth, or sixth class, as defined in Section
- 2570 [17-50-501](#); and
- 2571           (ii) in which at least 65% of the students enrolled in the school district or charter
- 2572 school qualify for free or reduced price lunch.
- 2573           (b) "Eligible school" means a school:
- 2574           (i) in an eligible LEA; and
- 2575           (ii) that the eligible LEA has provided transportation to and from for a regular school
- 2576 day for students for at least five years.
- 2577           (c) "LEA governing board" means:
- 2578           (i) the local school board of a school district that is an eligible LEA; or
- 2579           (ii) the charter school governing board of a charter school that is an eligible LEA.
- 2580           (2) An LEA governing board may annually submit a request to the state board to
- 2581 receive reimbursement for an expense that:
- 2582           (a) the LEA governing board incurs transporting a student to or from an eligible school
- 2583 for the regular school day; and
- 2584           (b) the LEA governing board does not pay using state funding for pupil transportation
- 2585 described in Section [53F-2-402](#) or [53F-2-403](#).
- 2586           (3) (a) Subject to legislative appropriations, and except as provided in Subsection
- 2587 (3)(b), the state board shall reimburse an LEA governing board for an expense included in a
- 2588 request described in Subsection (2).
- 2589           (b) If the legislative appropriation for this section is insufficient to fund an expense in a
- 2590 request received under Subsection (2), the state board may reduce an LEA governing board's
- 2591 reimbursement in accordance with the rules described in Subsection (4).
- 2592           (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 2593 Act, the state board shall make rules that establish:
- 2594           (a) requirements for information an LEA governing board shall include in a
- 2595 reimbursement request described in Subsection (2);
- 2596           (b) a deadline by which an LEA governing board shall submit a request described in

- 2597 Subsection (2); and
- 2598 (c) a formula for reducing an LEA governing board's allocation under Subsection (3).
- 2599 (5) Nothing in this section affects a school district's allocation for pupil transportation
- 2600 under Sections [53F-2-402](#) and [53F-2-403](#).
- 2601 Section 55. Section **53F-4-205** is amended to read:
- 2602 **53F-4-205. Kindergarten supplemental enrichment program.**
- 2603 (1) As used in this section:
- 2604 (a) "Eligible school" means a charter or school district school in which:
- 2605 (i) at least 10% of the students experience intergenerational poverty; or
- 2606 (ii) 50% of students were eligible to receive free or reduced lunch in the previous
- 2607 school year.
- 2608 (b) "Intergenerational poverty" means the same as that term is defined in Section
- 2609 [35A-9-102](#).
- 2610 (c) "Kindergarten supplemental enrichment program" means a program to improve the
- 2611 academic competency of kindergarten students that:
- 2612 (i) meets the criteria described in Subsection (4);
- 2613 (ii) receives funding from a grant program described in Subsection (3); and
- 2614 (iii) is administered by an eligible school.
- 2615 (2) (a) In accordance with this section, the state board shall distribute funds
- 2616 appropriated under this section to support kindergarten supplemental enrichment programs,
- 2617 giving priority first to awarding funds to an eligible school with at least 10% of the students
- 2618 experiencing intergenerational poverty and second priority to an eligible school in which 50%
- 2619 of students were eligible to receive free or reduced lunch in the previous school year.
- 2620 (b) The state board shall develop kindergarten entry and exit assessments for use by a
- 2621 kindergarten supplemental enrichment program.
- 2622 (3) (a) The state board shall administer a qualifying grant program as described in this
- 2623 Subsection (3) to distribute funds described in Subsection (2)(a) to an eligible school:
- 2624 (i) that applies for a grant;
- 2625 (ii) that offers a kindergarten supplemental enrichment program that meets the
- 2626 requirements described in Subsection (4);
- 2627 (iii) that has an overall need for a kindergarten supplemental enrichment program,

2628 based on the results of the eligible school's kindergarten entry and exit assessments described  
2629 in Subsection (4)(b)(ii);

2630 (iv) if the eligible school has previously established a kindergarten supplemental  
2631 enrichment program under this section, that shows success of the eligible school's kindergarten  
2632 supplemental enrichment program, based on the results of the eligible school's kindergarten  
2633 entry and exit assessments described in Subsection (4)(b)(ii); and

2634 (v) that proposes a kindergarten supplemental enrichment program that addresses the  
2635 particular needs of students at risk of experiencing intergenerational poverty.

2636 (b) An eligible school shall include in a grant application a letter from the principal of  
2637 the eligible school certifying that the eligible school's proposed kindergarten supplemental  
2638 enrichment program will meet the needs of either children in intergenerational poverty or  
2639 children who are eligible to receive free or reduced lunch as appropriate for the eligible school.

2640 (4) An eligible school that receives a grant as described in Subsection (3) shall:

2641 (a) use the grant money to offer a kindergarten supplemental enrichment program to:

2642 (i) target kindergarten students at risk for not meeting grade 3 core standards for Utah  
2643 public schools, established by the state board under Section [53E-4-202](#), by the end of each  
2644 student's grade 3 year;

2645 (ii) use an evidence-based early intervention model;

2646 (iii) focus on academically improving age-appropriate literacy and numeracy skills;

2647 (iv) emphasize the use of live instruction;

2648 (v) administer the kindergarten entry and exit assessments described in Subsection  
2649 (2)(b); and

2650 (vi) deliver the kindergarten supplemental enrichment program through additional  
2651 hours or other means; and

2652 (b) report to the state board annually regarding:

2653 (i) how the eligible school used grant money received under Subsection (3);

2654 (ii) the results of the eligible school's kindergarten entry and exit assessments for the  
2655 prior year;

2656 (iii) with assistance from state board employees, the number of students served,  
2657 including the number of students who are eligible for free or reduced lunch; and

2658 (iv) with assistance from state board employees, student performance outcomes

2659 achieved by the eligible school's kindergarten supplemental enrichment program, disaggregated  
2660 by economic and ethnic subgroups.

2661 (5) An eligible school that receives a grant as described in Subsection (3) may not  
2662 receive funds appropriated under Section [53F-2-507](#).

2663 (6) A parent may decline participation of the parent's kindergarten student in an eligible  
2664 school's kindergarten supplemental enrichment program.

2665 (7) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
2666 Act, the state board shall make rules to establish reporting procedures and administer this  
2667 section.

2668 Section 56. Section **53F-4-304** is amended to read:

2669 **53F-4-304. Scholarship payments.**

2670 (1) (a) The state board shall award scholarships subject to the availability of money  
2671 appropriated by the Legislature for that purpose.

2672 (b) The Legislature shall annually appropriate money to the state board from the  
2673 General Fund to make scholarship payments.

2674 (c) The Legislature shall annually increase the amount of money appropriated under  
2675 Subsection (1)(b) by an amount equal to the product of:

2676 (i) the average scholarship amount awarded as of December 1 in the previous year; and

2677 (ii) the product of:

2678 (A) the number of students in preschool through grade 12 in public schools statewide  
2679 who have an IEP on December 1 of the previous year; and

2680 (B) 0.0007.

2681 (d) If the number of scholarship students as of December 1 in any school year equals or  
2682 exceeds 7% of the number of students in preschool through grade 12 in public schools  
2683 statewide who have an IEP as of December 1 in the same school year, the Public Education  
2684 Appropriations Subcommittee shall study the requirement to increase appropriations for  
2685 scholarship payments as provided in this section.

2686 (e) (i) If money is not available to pay for all scholarships requested, the state board  
2687 shall allocate scholarships on a random basis except that the state board shall give preference to  
2688 students who received scholarships in the previous school year.

2689 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,

2690 the state board may not award new scholarships during that school year and the state board  
2691 shall prorate money available for scholarships among the eligible students who received  
2692 scholarships in the previous year.

2693 (2) Except as provided in Subsection (4), the state board shall award full-year  
2694 scholarships in the following amounts:

2695 (a) for a student who received an average of 180 minutes per day or more of special  
2696 education services in a public school before transferring to a private school, an amount not to  
2697 exceed the lesser of:

2698 (i) the value of the weighted pupil unit multiplied by 2.5; or

2699 (ii) the private school tuition and fees; and

2700 (b) for a student who received an average of less than 180 minutes per day of special  
2701 education services in a public school before transferring to a private school, an amount not to  
2702 exceed the lesser of:

2703 (i) the value of the weighted pupil unit multiplied by 1.5; or

2704 (ii) the private school tuition and fees.

2705 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day  
2706 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

2707 (4) If a student leaves a private school before the end of a fiscal quarter:

2708 (a) the private school is only entitled to the amount of scholarship equivalent to the  
2709 number of days that the student attended the private school; and

2710 (b) the private school shall remit a prorated amount of the scholarship to the state board  
2711 in accordance with the procedures described in rules adopted by the state board in accordance  
2712 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2713 (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:

2714 (a) make the amount available to the student to enroll immediately in another  
2715 qualifying private school; or

2716 (b) refund the amount back to the Carson Smith Scholarship Program account to be  
2717 available to support the costs of another scholarship.

2718 (6) (a) The state board shall make an additional allocation on a random basis before  
2719 June 30 each year only:

2720 (i) if there are sufficient remaining funds in the program; and



- 2721 (ii) for scholarships for students enrolled in a full-day preschool program.
- 2722 (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship  
2723 amount or supplement may not exceed the lesser of:
- 2724 (i) the value of the weighted pupil unit multiplied by 1.0; or  
2725 (ii) the private school tuition and fees.
- 2726 (c) The state board shall, when preparing annual growth projection numbers for the  
2727 Legislature, include the annual number of applications for additional allocations described in  
2728 Subsection (6)(a).
- 2729 (7) (a) The scholarship amount for a student who receives a waiver under Subsection  
2730 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level  
2731 of special education services to be provided to the student.
- 2732 (b) (i) If the student requires an average of 180 minutes per day or more of special  
2733 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
2734 (2)(a).
- 2735 (ii) If the student requires less than an average of 180 minutes per day of special  
2736 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
2737 (2)(b).
- 2738 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,  
2739 a full-year scholarship is equal to the amount specified in Subsection (3).
- 2740 (8) (a) Except as provided in Subsection (8)(b), upon review and receipt of  
2741 documentation that verifies a student's admission to, or continuing enrollment and attendance  
2742 at, a private school, the state board shall make scholarship payments quarterly in four equal  
2743 amounts in each school year in which a scholarship is in force.
- 2744 (b) In accordance with state board rule, made in accordance with Title 63G, Chapter 3,  
2745 Utah Administrative Rulemaking Act, the state board may make a scholarship payment before  
2746 the first quarterly payment of the school year, if a private school requires partial payment of  
2747 tuition before the start of the school year to reserve space for a student admitted to the school.
- 2748 (9) A parent of a scholarship student shall notify the state board if the student does not  
2749 have continuing enrollment and attendance at an eligible private school.
- 2750 (10) Before scholarship payments are made, the state board shall cross-check  
2751 enrollment lists of scholarship students, LEAs, and youth in custody to ensure that scholarship

2752 payments are not erroneously made.

2753 Section 57. Section **53F-4-305** is amended to read:

2754 **53F-4-305. State board to make rules.**

2755 ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2756 the state board shall make rules consistent with this part establishing:

2757 (1) the eligibility of students to participate in the scholarship program;

2758 (2) the application process for the scholarship program; and

2759 (3) payment procedures to eligible private schools.

2760 Section 58. Section **53F-4-514** is amended to read:

2761 **53F-4-514. State board -- Rulemaking.**

2762 The state board shall make rules in accordance with this part and Title 63G, Chapter 3,  
2763 Utah Administrative Rulemaking Act, that:

2764 (1) establish a course credit acknowledgement form and procedures for completing and  
2765 submitting to the state board a course credit acknowledgement; and

2766 (2) establish procedures for the administration of a statewide assessment to a student  
2767 enrolled in an online course.

2768 Section 59. Section **53F-5-201** is amended to read:

2769 **53F-5-201. Grants for online delivery of statewide assessments.**

2770 (1) As used in this section:

2771 (a) "Adaptive tests" means tests administered during the school year using an online  
2772 adaptive test system.

2773 (b) "Core standards for Utah public schools" means the standards established by the  
2774 state board as described in Section [53E-4-202](#).

2775 (c) "Statewide assessment" means the same as that term is defined in Section  
2776 [53E-4-301](#).

2777 (d) "Summative tests" means tests administered near the end of a course to assess  
2778 overall achievement of course goals.

2779 (e) "Uniform online summative test system" means a single system for the online  
2780 delivery of summative tests required as statewide assessments that:

2781 (i) is coordinated by the state board;

2782 (ii) ensures the reliability and security of statewide assessments; and

2783 (iii) is selected through collaboration between the state board and school district  
2784 representatives with expertise in technology, assessment, and administration.

2785 (2) The state board may award grants to school districts and charter schools to  
2786 implement:

2787 (a) a uniform online summative test system to enable school staff and parents of  
2788 students to review statewide assessment scores by the end of the school year; or

2789 (b) an online adaptive test system to enable parents of students and school staff to  
2790 measure and monitor a student's academic progress during a school year.

2791 (3) (a) Grant money may be used to pay for any of the following, provided it is directly  
2792 related to implementing a uniform online summative test system, an online adaptive test  
2793 system, or both:

2794 (i) computer equipment and peripherals, including electronic data capture devices  
2795 designed for electronic test administration and scoring;

2796 (ii) software;

2797 (iii) networking equipment;

2798 (iv) upgrades of existing equipment or software;

2799 (v) upgrades of existing physical plant facilities;

2800 (vi) personnel to provide technical support or coordination and management; and

2801 (vii) teacher professional development.

2802 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the  
2803 online delivery of summative tests or adaptive tests required as statewide assessments, may be  
2804 used for other purposes.

2805 (4) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
2806 Act, the state board shall make rules:

2807 (a) establishing procedures for applying for and awarding grants;

2808 (b) specifying how grant money is allocated among school districts and charter schools;

2809 (c) requiring reporting of grant money expenditures and evidence showing that the  
2810 grant money has been used to implement a uniform online summative test system, an online  
2811 adaptive test system, or both;

2812 (d) establishing technology standards for an online adaptive testing system;

2813 (e) requiring a school district or charter school that receives a grant under this section

2814 to implement, in compliance with Title 53E, Chapter 9, Student Privacy and Data Protection,  
2815 an online adaptive test system by the 2014-15 school year that:

- 2816 (i) meets the technology standards established under Subsection (4)(d); and
- 2817 (ii) is aligned with the core standards for Utah public schools;
- 2818 (f) requiring a school district or charter school to provide matching funds to implement  
2819 a uniform online summative test system, an online adaptive test system, or both in an amount  
2820 that is greater than or equal to the amount of a grant received under this section; and
- 2821 (g) ensuring that student identifiable data is not released to any person, except as  
2822 provided by Title 53E, Chapter 9, Student Privacy and Data Protection, and rules of the state  
2823 board adopted under the authority of those parts.

2824 (5) If a school district or charter school uses grant money for purposes other than those  
2825 stated in Subsection (3), the school district or charter school is liable for reimbursing the state  
2826 board in the amount of the grant money improperly used.

2827 (6) A school district or charter school may not use federal funds to provide the  
2828 matching funds required to receive a grant under this section.

2829 (7) A school district may not impose a tax rate above the certified tax rate for the  
2830 purpose of generating revenue to provide matching funds for a grant under this section.

2831 Section 60. Section **53F-5-202** is amended to read:

2832 **53F-5-202. National Board certification reimbursement.**

2833 (1) (a) The terms defined in Section **53E-6-102** apply to this section.

2834 (b) As used in this section, "eligible educator" means an educator who is employed as  
2835 an educator by an LEA.

2836 (2) (a) Subject to legislative appropriations and Subsection (2)(b), the state board shall  
2837 reimburse an eligible educator for a cost incurred by the eligible educator to attain or renew a  
2838 National Board certification.

2839 (b) The state board may only issue a reimbursement under Subsection (2)(a) for:

2840 (i) a National Board certification attained or renewed after July 1, 2016, and before  
2841 July 1, 2019; or

2842 (ii) a cost incurred by an eligible teacher to attain or renew a National Board  
2843 certification after July 1, 2016, and before July 1, 2019.

2844 (3) Subject to legislative appropriations, and in accordance with this section, beginning

2845 July 1, 2019, the state board may pay up to the total cost:

2846 (a) for an eligible educator who does not have a National Board certification to pursue  
2847 a National Board certification; or

2848 (b) for an eligible educator who has a National Board certification, to renew the  
2849 National Board certification.

2850 (4) An eligible educator who does not have a National Board certification and intends  
2851 for the state board to pay for the eligible educator to pursue a National Board certification shall:

2852 (a) submit to the state board:

2853 (i) an application;

2854 (ii) a letter of recommendation from the principal of the eligible educator's school; and

2855 (iii) a plan for completing the requirements for a National Board certification within  
2856 three years of the state board approving the eligible educator's application; and

2857 (b) pay a registration fee directly to the organization that administers National Board  
2858 certification.

2859 (5) An eligible educator who intends for the state board to pay to renew the eligible  
2860 educator's National Board certification shall submit an application to the board.

2861 (6) The state board may not:

2862 (a) pay for an eligible educator to attempt to earn National Board certification over a  
2863 period of longer than three years; or

2864 (b) pay for an individual to attempt National Board certification or a component of  
2865 National Board certification more than once.

2866 (7) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah  
2867 Administrative Rulemaking Act, specifying procedures and timelines for:

2868 (a) reimbursing costs under Subsection (2); and

2869 (b) paying costs for an eligible educator to pursue or renew a National Board  
2870 certification under Subsection (3).

2871 Section 61. Section **53F-5-204** is amended to read:

2872 **53F-5-204. Initiative to strengthen college and career readiness.**

2873 (1) As used in this section:

2874 (a) "College and career counseling" means:

2875 (i) nurturing college and career aspirations;

2876 (ii) assisting students in planning an academic program that connects to college and  
2877 career goals;

2878 (iii) providing early and ongoing exposure to information necessary to make informed  
2879 decisions when selecting a college and career;

2880 (iv) promoting participation in college and career assessments;

2881 (v) providing financial aid information; and

2882 (vi) increasing understanding about college admission processes.

2883 (b) "LEA" or "local education agency" means a school district or charter school.

2884 (2) There is created the Strengthening College and Career Readiness Program, a grant  
2885 program for LEAs, to improve students' college and career readiness through enhancing the  
2886 skill level of school counselors to provide college and career counseling.

2887 (3) The state board shall:

2888 (a) on or before August 1, 2015, collaborate with the State Board of Regents, and  
2889 business, community, and education stakeholders to develop a certificate for school counselors  
2890 that:

2891 (i) certifies that a school counselor is highly skilled at providing college and career  
2892 counseling; and

2893 (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as  
2894 defined in rules established by the state board in accordance with Title 63G, Chapter 3, Utah  
2895 Administrative Rulemaking Act;

2896 (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis,  
2897 for payment of course fees for courses required to earn the certificate developed by the state  
2898 board under Subsection (3)(a); and

2899 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2900 make rules specifying:

2901 (i) procedures for applying for and awarding grants under this section;

2902 (ii) criteria for awarding grants; and

2903 (iii) reporting requirements for grantees.

2904 (4) An LEA that receives a grant under this section shall use the grant for payment of  
2905 course fees for courses required to attain the certificate as determined by the state board under  
2906 Subsection (3)(a).

2907 Section 62. Section 53F-5-205 is amended to read:

2908 **53F-5-205. Paraeducator to Teacher Scholarship Program -- Grants for math**  
2909 **teacher training programs.**

2910 (1) (a) The terms defined in Section 53E-6-102 apply to this section.

2911 (b) As used in this section, "paraeducator" means a school employee who:

2912 (i) delivers instruction under the direct supervision of a teacher; and

2913 (ii) works in an area where there is a shortage of qualified teachers, such as special  
2914 education, Title I, ESL, reading remediation, math, or science.

2915 (2) The Paraeducator to Teacher Scholarship Program is created to award scholarships  
2916 to paraeducators for education and training to become licensed teachers.

2917 (3) The state board shall use money appropriated for the Paraeducator to Teacher  
2918 Scholarship Program to award scholarships of up to \$5,000 to paraeducators employed by  
2919 school districts and charter schools who are pursuing an associate's degree or bachelor's degree  
2920 program to become a licensed teacher.

2921 (4) A paraeducator is eligible to receive a scholarship if:

2922 (a) the paraeducator is employed by a school district or charter school;

2923 (b) is admitted to, or has made an application to, an associate's degree program or  
2924 bachelor's degree program that will prepare the paraeducator for teacher licensure; and

2925 (c) the principal at the school where the paraeducator is employed has nominated the  
2926 paraeducator for a scholarship.

2927 (5) (a) The state board shall establish a committee to select scholarship recipients from  
2928 nominations submitted by school principals.

2929 (b) The committee shall include representatives of the state board, State Board of  
2930 Regents, and the general public, excluding school district and charter school employees.

2931 (c) A member may not receive compensation or benefits for the member's service, but  
2932 may receive per diem and travel expenses in accordance with:

2933 (i) Section 63A-3-106;

2934 (ii) Section 63A-3-107; and

2935 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2936 63A-3-107.

2937 (d) The committee shall select scholarship recipients based on the following criteria:

- 2938 (i) test scores, grades, or other evidence demonstrating the applicant's ability to  
2939 successfully complete a teacher education program; and
- 2940 (ii) the applicant's record of success as a paraeducator.
- 2941 (6) The maximum scholarship amount is \$5,000.
- 2942 (7) Scholarship money may only be used to pay for tuition costs:
- 2943 (a) of:
- 2944 (i) an associate's degree program that fulfills credit requirements for the first two years  
2945 of a bachelor's degree program leading to teacher licensure; or
- 2946 (ii) the first two years of a bachelor's degree program leading to teacher licensure; and
- 2947 (b) at a higher education institution:
- 2948 (i) located in Utah; and
- 2949 (ii) accredited by the Northwest Commission on Colleges and Universities.
- 2950 (8) A scholarship recipient must be continuously employed as a paraeducator by a  
2951 school district or charter school while pursuing a degree using scholarship money.
- 2952 (9) The state board shall make rules in accordance with this section and Title 63G,  
2953 Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to Teacher  
2954 Scholarship Program, including rules establishing:
- 2955 (a) scholarship application procedures;
- 2956 (b) the number of, and qualifications for, committee members who select scholarship  
2957 recipients; and
- 2958 (c) procedures for distributing scholarship money.
- 2959 (10) If the state obtains matching funds of equal sums from private contributors, the  
2960 state board may award grants to institutions of higher education or nonprofit educational  
2961 organizations for programs that provide:
- 2962 (a) mentoring and training leading to a secondary education license with a certificate in  
2963 mathematics for an individual who:
- 2964 (i) is not a teacher in a public or private school;
- 2965 (ii) does not have a teaching license;
- 2966 (iii) has a bachelor's degree or higher; and
- 2967 (iv) demonstrates a high level of mathematics competency by:
- 2968 (A) successfully completing substantial course work in mathematics; and



- 2969 (B) passing a mathematics content exam; or
- 2970 (b) a stipend, professional development, and leadership opportunities to an experienced
- 2971 mathematics teacher who demonstrates high content knowledge and exemplary teaching and
- 2972 leadership skills to assist the teacher in becoming a teacher leader.
- 2973 (11) (a) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
- 2974 Administrative Rulemaking Act, that establish criteria for awarding grants under this section.
- 2975 (b) In awarding grants, the state board shall consider the amount or percent of matching
- 2976 funds provided by the grant recipient.
- 2977 Section 63. Section **53F-5-209** is amended to read:
- 2978 **53F-5-209. Grants for school-based mental health supports.**
- 2979 (1) As used in this section:
- 2980 (a) "Elementary school" means a school that includes any one or all of grades
- 2981 kindergarten through grade 6.
- 2982 (b) "Intergenerational poverty" means the same as that term is defined in Section
- 2983 [35A-9-102](#).
- 2984 (c) "Qualifying personnel" means a school counselor or school social worker who:
- 2985 (i) is licensed by the state board; and
- 2986 (ii) collaborates with educators and a student's family or guardian on:
- 2987 (A) early identification and intervention of a student's academic and mental health
- 2988 needs; and
- 2989 (B) removing barriers to learning and developing skills and behaviors critical for a
- 2990 student's academic achievement.
- 2991 (2) Subject to legislative appropriations and Subsection (3), the state board shall award
- 2992 a grant to an LEA to provide targeted school-based mental health support in an elementary
- 2993 school, including trauma-informed care, through employment of qualifying personnel.
- 2994 (3) In awarding a grant under this section, the state board shall give:
- 2995 (a) first priority to an LEA that proposes to target funds to one or more elementary
- 2996 schools with a high percentage of students exhibiting risk factors for childhood trauma; and
- 2997 (b) second priority to an LEA that proposes to target funds to one or more elementary
- 2998 schools with a high percentage of students experiencing intergenerational poverty.
- 2999 (4) To qualify for a grant, an LEA shall:

- 3000 (a) submit an application to the state board that includes:
- 3001 (i) measurable goals on improving student safety, student engagement, school culture,
- 3002 and academic achievement; and
- 3003 (ii) how the LEA intends to meet goals submitted under Subsection (4)(a)(i) through
- 3004 the use of the grant funds; and
- 3005 (b) provide local funds to match grant funds received under this section in an amount
- 3006 equal to one-half of the amount of the grant funds.
- 3007 (5) An LEA may not replace federal, state, or local funds previously allocated to
- 3008 employ qualified personnel with funds distributed under this section.
- 3009 (6) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 3010 Act, the state board shall make rules specifying:
- 3011 (a) procedures for applying for and awarding grants under this section, including:
- 3012 (i) a definition of risk factors for childhood trauma;
- 3013 (ii) the duration of a grant; and
- 3014 (iii) a schedule for submission of matching grant funds; and
- 3015 (b) annual reporting requirements for grantees in accordance with Subsection (7).
- 3016 (7) An LEA that receives a grant under this section shall submit an annual report to the
- 3017 state board, including:
- 3018 (a) progress toward achieving the goals submitted under Subsection (4)(a)(i); and
- 3019 (b) if the LEA decides to discontinue the qualifying personnel position, the LEA's
- 3020 reason for discontinuing the position.
- 3021 (8) Beginning on or before July 1, 2019, the state board shall provide training that
- 3022 instructs educators on the impact of trauma on student learning, including information advising
- 3023 educators against practicing medicine, giving a diagnosis, or providing treatment.
- 3024 Section 64. Section **53F-5-210** is amended to read:
- 3025 **53F-5-210. Educational Improvement Opportunities Outside of the Regular**
- 3026 **School Day Grant Program.**
- 3027 (1) As used in this section:
- 3028 (a) "Applicant" means an LEA, private provider, nonprofit provider, or municipality
- 3029 that provides an existing program and applies for a grant under the provisions of this section.
- 3030 (b) "Existing program" means a currently funded and operating program, as described

3031 in Subsections [53E-3-508](#)(1)(a) and (b).

3032 (c) "Grant program" means the Educational Improvement Opportunities Outside of the  
3033 Regular School Day Grant Program created in Subsection (2).

3034 (d) "Grantor" means:

3035 (i) for an LEA that receives a grant under this section, the state board; or

3036 (ii) for a private provider, nonprofit provider, or municipality that receives a grant  
3037 under this section, the Department of Workforce Services.

3038 (e) "Local education agency" or "LEA" means a school district or charter school.

3039 (2) There is created the Educational Improvement Opportunities Outside of the Regular  
3040 School Day Grant Program to provide grant funds for an existing program to improve and  
3041 develop the existing program in accordance with the high quality standards described in  
3042 Section [53E-3-508](#).

3043 (3) Subject to legislative appropriation and in accordance with Subsection (7):

3044 (a) the state board shall:

3045 (i) solicit LEA applications to receive a grant under this section; and

3046 (ii) award a grant based on the criteria described in Subsection (5); and

3047 (b) the Department of Workforce Services shall:

3048 (i) solicit private provider, nonprofit provider, or municipality applications to receive a  
3049 grant under this section; and

3050 (ii) award a grant based on the criteria described in Subsection (5).

3051 (4) To receive a grant under this section, an applicant shall submit a proposal to the  
3052 grantor describing:

3053 (a) how the applicant proposes to develop and improve the existing program to meet  
3054 the standards described in Section [53E-3-508](#);

3055 (b) information necessary for the state board to determine the impact of the applicant's  
3056 program on the academic performance of participating students;

3057 (c) the total number of students the applicant proposes to serve through the existing  
3058 program;

3059 (d) the estimated percentage of the students described in Subsection (4)(c) who qualify  
3060 for free or reduced lunch; and

3061 (e) the estimated cost of the applicant's existing program, per student.

- 3062 (5) In awarding a grant under Subsection (3), the grantor shall consider:
- 3063 (a) how an applicant's existing program proposes to meet the standards described in
- 3064 Section [53E-3-508](#); and
- 3065 (b) the percentage of students in that program who qualify for free and reduced lunch.
- 3066 (6) An applicant that receives a grant under this section shall:
- 3067 (a) use the grant to improve an existing program in accordance with the standards
- 3068 described in Section [53E-3-508](#); and
- 3069 (b) annually report to the grantor:
- 3070 (i) the number of students served by the existing program;
- 3071 (ii) the academic outcomes that the program is expected to have on participating
- 3072 students;
- 3073 (iii) program attendance rates of participating students; and
- 3074 (iv) other information required by the grantor.
- 3075 (7) (a) To receive a distribution of grant money under this section, an applicant shall
- 3076 identify and certify the availability of private matching funds in the amount of the grant to be
- 3077 distributed to the applicant.
- 3078 (b) Neither the state board nor the Department of Workforce Services shall be expected
- 3079 to seek private matching funds for this grant program.
- 3080 (8) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 3081 Act, the state board shall make rules to administer this section that include:
- 3082 (a) specific criteria to determine academic performance;
- 3083 (b) application and reporting procedures; and
- 3084 (c) criteria for an existing program to qualify for a grant under this section.
- 3085 (9) The Department of Workforce Services shall make rules in accordance with Title
- 3086 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the grant program as
- 3087 described in Subsection (3)(b).
- 3088 (10) In accordance with 34 C.F.R. Sec. 99.35, the state board shall designate the
- 3089 Department of Workforce Services as an authorized representative for the purpose of sharing
- 3090 student data and evaluating and reporting the impact and effectiveness of the grant program.
- 3091 (11) The state board and the Department of Workforce Services may utilize up to 10%
- 3092 of the funds appropriated for administrative costs associated with the grant program and the

3093 report described in Subsection (12).

3094 (12) The state board shall report to the Education Interim Committee before November  
3095 30, 2019, regarding:

3096 (a) the grant program's effect on the quality of existing programs that participate in the  
3097 grant program; and

3098 (b) the impact of the existing programs on the academic performance of participating  
3099 students.

3100 Section 65. Section **53F-5-212** is amended to read:

3101 **53F-5-212. Grants for additional educators for high-need schools.**

3102 (1) As used in this section:

3103 (a) "Educator" means an individual who holds a professional educator license  
3104 described in Section [53E-6-201](#).

3105 (b) "First-year educator" means an educator who is:

3106 (i) a classroom teacher; and

3107 (ii) in the educator's first year of teaching.

3108 (c) "High-need school" means an elementary school in an LEA that qualifies for a grant  
3109 under this section based on the criteria established by the state board under Subsection  
3110 (5)(a)(ii).

3111 (d) "Local education agency" or "LEA" means a school district or charter school.

3112 (e) "Title I school" means a school that receives funds under Title I of the Elementary  
3113 and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.

3114 (2) Subject to legislative appropriations, and in accordance with this section, the state  
3115 board shall award a grant to an LEA to fund the salary and benefits for an additional first-year  
3116 educator to teach in a high-need school.

3117 (3) The state board shall:

3118 (a) solicit proposals from LEAs to receive a grant under this section; and

3119 (b) award grants to LEAs on a competitive basis based on the LEA applications  
3120 described in Subsection (4)(a).

3121 (4) To receive a grant under this section, an LEA shall:

3122 (a) submit an application to the state board that:

3123 (i) lists the school or schools for which the LEA intends to use a grant;

3124 (ii) describes how each school for which the LEA intends to use a grant meets the  
3125 criteria for being a high-need school; and

3126 (iii) includes any other information required by the board under the rules described in  
3127 Subsection (5); and

3128 (b) provide matching funds in an amount equal to the grant received by the LEA under  
3129 this section.

3130 (5) (a) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative  
3131 Rulemaking Act, the state board shall make rules specifying:

3132 (i) the procedure for an LEA to apply for a grant under this section, including  
3133 application requirements; and

3134 (ii) the criteria for determining if an elementary school is a high-need school.

3135 (b) In establishing the criteria described in Subsection (5)(a)(ii), the state board shall  
3136 consider the following factors:

3137 (i) Title I school status;

3138 (ii) low school performance, as indicated by the school accountability system described  
3139 in Title 53E, Chapter 5, Part 2, School Accountability System;

3140 (iii) a high percentage of students enrolled in the school who are either experiencing or  
3141 at risk of experiencing intergenerational poverty;

3142 (iv) a high ratio of students to educators in the school;

3143 (v) higher than average educator turnover in the school;

3144 (vi) a high percentage of students enrolled in the school who are experiencing  
3145 homelessness; and

3146 (vii) other factors determined by the state board.

3147 (6) An LEA that receives a grant under this section shall:

3148 (a) (i) use the grant to fund a portion of the cost of the salary and benefits for an  
3149 additional first-year educator who teaches in a high-need school; and

3150 (ii) maintain a class size of fewer than 20 students for a first-year educator whose  
3151 salary and benefits are funded by the grant; and

3152 (b) annually submit a report to the state board describing:

3153 (i) how the LEA used the grant; and

3154 (ii) whether the grant was effective in maintaining a smaller class size for the first-year

3155 educator whose salary and benefits were funded by the grant.

3156 Section 66. Section **53F-5-406** is amended to read:

3157 **53F-5-406. Rules.**

3158 [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3159 the state board shall make rules to administer the Partnerships for Student Success Grant  
3160 Program in accordance with this part.

3161 Section 67. Section **53F-5-502** is amended to read:

3162 **53F-5-502. Competency-Based Education Grants Program -- State board duties**  
3163 **-- Review committee -- Technical assistance training.**

3164 (1) There is created the Competency-Based Education Grants Program consisting of  
3165 the grants created in this part to improve educational outcomes in public schools by advancing  
3166 student mastery of concepts and skills through the following core principles:

3167 (a) student advancement upon mastery of a concept or skill;

3168 (b) competencies that include explicit, measurable, and transferable learning objectives  
3169 that empower a student;

3170 (c) assessment that is meaningful and provides a positive learning experience for a  
3171 student;

3172 (d) timely, differentiated support based on a student's individual learning needs; and

3173 (e) learning outcomes that emphasize competencies that include application and  
3174 creation of knowledge along with the development of important skills and dispositions.

3175 (2) The grant program shall incentivize an LEA to establish competency-based  
3176 education within the LEA through the use of:

3177 (a) personalized learning;

3178 (b) blended learning;

3179 (c) extended learning;

3180 (d) educator professional learning in competency-based education; or

3181 (e) any other method that emphasizes the core principles described in Subsection (1).

3182 (3) The state board shall:

3183 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3184 adopt rules:

3185 (i) for the administration of the grant program and awarding of grants; and

3186 (ii) to define outcome-based measures appropriate to the type of grant for an LEA that  
3187 is awarded a grant under this part to use to measure the performance of the LEA's plan or  
3188 program;

3189 (b) establish a grant application process;

3190 (c) in accordance with Subsection (4), establish a review committee to make  
3191 recommendations to the state board for:

3192 (i) metrics to analyze the quality of a grant application; and

3193 (ii) approval of a grant application; and

3194 (d) with input from the review committee, adopt metrics to analyze the quality of a  
3195 grant application.

3196 (4) (a) The review committee shall consist of STEM and blended learning experts,  
3197 current and former school administrators, current and former teachers, and at least one former  
3198 school district superintendent, in addition to other staff designated by the state board.

3199 (b) The review committee shall:

3200 (i) review a grant application submitted by an LEA;

3201 (ii) make recommendations to the LEA to modify the application, if necessary; and

3202 (iii) make recommendations to the state board regarding the final disposition of an  
3203 application.

3204 (5) (a) The state board shall provide technical assistance training to assist an LEA with  
3205 a grant application under this part.

3206 (b) An LEA may not apply for a grant under this part unless:

3207 (i) a representative of the LEA attends the technical assistance training before the LEA  
3208 submits a grant application; and

3209 (ii) the representative is a superintendent, principal, or a person in a leadership position  
3210 within the LEA.

3211 (c) The technical assistance training shall include:

3212 (i) instructions on completing a grant application, including grant application  
3213 requirements;

3214 (ii) information on the scoring metrics used to review a grant application; and

3215 (iii) information on competency-based education.

3216 (6) The state board may use up to 5% of an appropriation provided to fund this part for



3217 administration of the grant program.

3218 Section 68. Section **53F-5-506** is amended to read:

3219 **53F-5-506. Waiver from state board rule -- State board recommended statutory**  
3220 **changes.**

3221 (1) An LEA may apply to the state board in a grant application submitted under this  
3222 part for a waiver of a state board rule made in accordance with Title 63G, Chapter 3, Utah  
3223 Administrative Rulemaking Act, that inhibits or hinders the LEA from accomplishing its goals  
3224 set out in its grant application.

3225 (2) The state board may grant the waiver, unless:

3226 (a) the waiver would cause the LEA to be in violation of state or federal law; or

3227 (b) the waiver would threaten the health, safety, or welfare of students in the LEA.

3228 (3) If the state board denies the waiver, the state board shall provide in writing the  
3229 reason for the denial to the waiver applicant.

3230 (4) (a) The state board shall request from each LEA that receives a grant under this part  
3231 for each year the LEA receives funds:

3232 (i) information on a state statute that hinders an LEA from fully implementing the  
3233 LEA's program; and

3234 (ii) suggested changes to the statute.

3235 (b) The state board shall report any information received from an LEA under  
3236 Subsection (4)(a) and the state board's recommendations in accordance with Section  
3237 [53E-1-203](#).

3238 Section 69. Section **53F-5-603** is amended to read:

3239 **53F-5-603. Grant program to school districts and charter schools.**

3240 (1) From money appropriated to the grant program, the state board shall distribute  
3241 grant money on a competitive basis to a school district or charter school that applies for a grant  
3242 and:

3243 (a) (i) has within the school district one or more American Indian and Alaskan Native  
3244 concentrated schools; or

3245 (ii) is an American Indian and Alaskan Native concentrated school; and

3246 (b) has a program to fund stipends, recruitment, retention, and professional  
3247 development of teachers who teach at American Indian and Alaskan Native concentrated

3248 schools.

3249 (2) The grant money distributed under this section may only be expended to fund a  
3250 program described in Subsection (1)(b).

3251 (3) (a) If a school district or charter school obtains a grant under this section, by no  
3252 later than two years from the date the school district or charter school obtains the grant, the  
3253 state board shall review the implementation of the program described in Subsection (1)(b) to  
3254 determine whether:

3255 (i) the program is effective in addressing the need to retain teachers at American Indian  
3256 and Alaskan Native concentrated schools; and

3257 (ii) the money is being spent for a purpose not covered by the program described in  
3258 Subsection (1)(b).

3259 (b) If the state board determines that the program is not effective or that the money is  
3260 being spent for a purpose not covered by the program described in Subsection (1)(b), the state  
3261 board may terminate the grant money being distributed to the school district or charter school.

3262 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3263 Act, the state board may make rules providing:

3264 (a) criteria for evaluating grant applications; and

3265 (b) procedures for:

3266 (i) a school district to apply to the state board to receive grant money under this  
3267 section; and

3268 (ii) the review of the use of grant money described in Subsection (3).

3269 (5) The grant money is intended to supplement and not replace existing money  
3270 supporting American Indian and Alaskan Native concentrated schools.

3271 Section 70. Section **53F-9-401** is amended to read:

3272 **53F-9-401. Autism Awareness Restricted Account.**

3273 (1) There is created in the General Fund a restricted account known as the "Autism  
3274 Awareness Restricted Account."

3275 (2) The account shall be funded by:

3276 (a) contributions deposited into the account in accordance with Section [41-1a-422](#);

3277 (b) private contributions; and

3278 (c) donations or grants from public or private entities.

- 3279 (3) Upon appropriation by the Legislature, the state superintendent shall:
- 3280 (a) (i) ensure the inventory of Autism Awareness Support special group license plate  
3281 decals are in stock; and
- 3282 (ii) transfer money to the Tax Commission to pay for the group license plate as needed;
- 3283 (b) distribute funds in the account to one or more charitable organizations that:
- 3284 (i) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
- 3285 (ii) has as the organization's sole mission to promote access to resources and  
3286 responsible information for individuals of all ages who have, or are affected by, autism or  
3287 autism spectrum related conditions;
- 3288 (iii) is an independent organization that has representation from state agencies and  
3289 private providers serving individuals with autism spectrum disorder and their families in the  
3290 state;
- 3291 (iv) includes representation of:
- 3292 (A) national and local autism advocacy groups, as available; and
- 3293 (B) interested parents and professionals; and
- 3294 (v) does not endorse any specific treatment, therapy, or intervention used for autism.
- 3295 (4) (a) An organization described in Subsection (3) may apply to the state  
3296 superintendent to receive a distribution in accordance with Subsection (3).
- 3297 (b) An organization that receives a distribution from the state superintendent in  
3298 accordance with Subsection (3) shall expend the distribution only to:
- 3299 (i) pay for autism education and public awareness of programs and related services in  
3300 the state;
- 3301 (ii) enhance programs designed to serve individuals with autism;
- 3302 (iii) provide support to caregivers providing services for individuals with autism;
- 3303 (iv) pay administrative costs of the organization; and
- 3304 (v) pay for academic scholarships and research efforts in the area of autism spectrum  
3305 disorder.
- 3306 (c) ~~The~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3307 Act, the state board may make rules providing procedures for an organization to apply to the  
3308 state superintendent to receive a distribution under Subsection (3).
- 3309 Section 71. Section **53G-4-410** is amended to read:

3310 **53G-4-410. Regional service centers.**

3311 (1) For purposes of this section, "eligible regional service center" means a regional  
3312 service center formed by two or more school districts as an interlocal entity, in accordance with  
3313 Title 11, Chapter 13, Interlocal Cooperation Act.

3314 (2) The Legislature strongly encourages school districts to collaborate and cooperate to  
3315 provide educational services in a manner that will best utilize resources for the overall  
3316 operation of the public education system.

3317 (3) An eligible regional service center formed by an interlocal agreement, in  
3318 accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution  
3319 described in Subsection (5) if the Legislature appropriates money for eligible regional service  
3320 centers.

3321 (4) (a) If local school boards enter into an interlocal agreement to confirm or formalize  
3322 a regional service center in operation before July 1, 2011, the interlocal agreement may not  
3323 eliminate any rights or obligations of the regional service center in effect before entering into  
3324 the interlocal agreement.

3325 (b) An interlocal agreement entered into to confirm or formalize an existing regional  
3326 service center shall have the effect of confirming and ratifying in the regional service center,  
3327 the title to any property held in the name, or for the benefit of the regional service center as of  
3328 the effective date of the interlocal agreement.

3329 (5) (a) The state board shall distribute any funding appropriated to eligible regional  
3330 service centers as provided by the Legislature.

3331 (b) The state board may provide funding to an eligible regional service center in  
3332 addition to legislative appropriations.

3333 (6) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3334 Act, the state board shall make rules regarding eligible regional service centers including:

3335 (a) the distribution of legislative appropriations to eligible regional service centers;

3336 (b) the designation of eligible regional service centers as agents to distribute Utah  
3337 Education and Telehealth Network services; and

3338 (c) the designation of eligible regional service centers as agents for regional  
3339 coordination of public education and higher education services.

3340 Section 72. Section **53G-5-205** is amended to read:

3341           **53G-5-205. Charter school authorizers -- Power and duties -- Charter application**  
3342 **minimum standard.**

3343           (1) The following entities are eligible to authorize charter schools:

3344           (a) the State Charter School Board;

3345           (b) a local school board; or

3346           (c) a board of trustees of an institution in the state system of higher education as  
3347 described in Section [53B-1-102](#).

3348           (2) A charter school authorizer shall:

3349           (a) annually review and evaluate the performance of charter schools authorized by the  
3350 authorizer and hold a charter school accountable for the school's performance; and

3351           (b) monitor charter schools authorized by the authorizer for compliance with federal  
3352 and state laws, rules, and regulations.

3353           (3) A charter school authorizer may:

3354           (a) authorize and promote the establishment of charter schools, subject to the  
3355 provisions in this part;

3356           (b) make recommendations on legislation and rules pertaining to charter schools to the  
3357 Legislature and state board, respectively;

3358           (c) make recommendations to the state board on the funding of charter schools;

3359           (d) provide technical support to charter schools and persons seeking to establish charter  
3360 schools by:

3361           (i) identifying and promoting successful charter school models;

3362           (ii) facilitating the application and approval process for charter school authorization;

3363           (iii) directing charter schools and persons seeking to establish charter schools to  
3364 sources of funding and support;

3365           (iv) reviewing and evaluating proposals to establish charter schools for the purpose of  
3366 supporting and strengthening proposals before an application for charter school authorization is  
3367 submitted to a charter school authorizer; or

3368           (v) assisting charter schools to understand and carry out their charter obligations; or

3369           (e) provide technical support, as requested, to another charter school authorizer relating  
3370 to charter schools.

3371           (4) Within 60 days after an authorizer's approval of an application for a new charter

3372 school, the state board may direct an authorizer to do the following if the authorizer or charter  
3373 school applicant failed to follow statutory or state board rule requirements made in accordance  
3374 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

3375 (a) reconsider the authorizer's approval of an application for a new charter school; and

3376 (b) correct deficiencies in the charter school application or authorizer's application  
3377 process as described in statute or state board rule, made in accordance with Title 63G, Chapter  
3378 3, Utah Administrative Rulemaking Act, before approving the new application.

3379 (5) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
3380 Rulemaking Act, make rules establishing minimum standards that a charter school authorizer is  
3381 required to apply when:

3382 (a) evaluating a charter school application; or

3383 (b) monitoring charter school compliance.

3384 (6) The minimum standards described in Subsection (5) shall include:

3385 (a) reasonable consequences for an authorizer that fails to comply with statute or state  
3386 board rule;

3387 (b) a process for an authorizer to review:

3388 (i) the skill and expertise of a proposed charter school's governing board; and

3389 (ii) the functioning operation of the charter school governing board of an authorized  
3390 charter school;

3391 (c) a process for an authorizer to review the financial viability of a proposed charter  
3392 school and of an authorized charter school;

3393 (d) a process to evaluate:

3394 (i) how well an authorizer's authorized charter school complies with the charter  
3395 school's charter agreement;

3396 (ii) whether an authorizer's authorized charter school maintains reasonable academic  
3397 standards; and

3398 (iii) standards that an authorizer is required to meet to demonstrate the authorizer's  
3399 capacity to oversee, monitor, and evaluate the charter schools the authorizer authorizes.

3400 Section 73. Section **53G-5-304** is amended to read:

3401 **53G-5-304. Charter schools authorized by the State Charter School Board --**

3402 **Application process -- Prohibited basis of application denial.**

3403 (1) (a) An applicant seeking authorization of a charter school from the State Charter  
3404 School Board shall provide a copy of the application to the local school board of the school  
3405 district in which the proposed charter school shall be located either before or at the same time it  
3406 files its application with the State Charter School Board.

3407 (b) The local school board may review the application and may offer suggestions or  
3408 recommendations to the applicant or the State Charter School Board prior to its acting on the  
3409 application.

3410 (c) The State Charter School Board shall give due consideration to suggestions or  
3411 recommendations made by the local school board under Subsection (1)(b).

3412 (d) The State Charter School Board shall review and, by majority vote, either approve  
3413 or deny the application.

3414 (e) A charter school application may not be denied on the basis that the establishment  
3415 of the charter school will have any or all of the following impacts on a public school, including  
3416 another charter school:

3417 (i) an enrollment decline;

3418 (ii) a decrease in funding; or

3419 (iii) a modification of programs or services.

3420 (2) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
3421 Rulemaking Act, make a rule providing a timeline for the opening of a charter school following  
3422 the approval of a charter school application by the State Charter School Board.

3423 (3) After approval of a charter school application and in accordance with Section  
3424 [53G-5-303](#), the applicant and the State Charter School Board shall set forth the terms and  
3425 conditions for the operation of the charter school in a written charter agreement.

3426 (4) The State Charter School Board shall, in accordance with state board rules,  
3427 establish and make public the State Charter School Board's:

3428 (a) application requirements, in accordance with Section [53G-5-302](#);

3429 (b) application process, including timelines, in accordance with this section; and

3430 (c) minimum academic, financial, and enrollment standards.

3431 Section 74. Section **53G-5-406** is amended to read:

3432 **53G-5-406. Accountability -- Rules.**

3433 [~~The state board shall,~~] In accordance with Title 63G, Chapter 3, Utah Administrative

3434 Rulemaking Act, and after consultation with chartering entities, the state board shall make  
3435 rules that:

3436 (1) require a charter school to develop an accountability plan, approved by its charter  
3437 school authorizer, during its first year of operation;

3438 (2) require an authorizer to:

3439 (a) visit a charter school at least once during:

3440 (i) its first year of operation; and

3441 (ii) the review period described under Subsection (3); and

3442 (b) provide written reports to its charter schools after the visits; and

3443 (3) establish a review process that is required of a charter school once every five years  
3444 by its authorizer.

3445 Section 75. Section **53G-5-501** is amended to read:

3446 **53G-5-501. Noncompliance -- Rulemaking.**

3447 (1) If a charter school is found to be out of compliance with the requirements of  
3448 Section **53G-5-404** or the school's charter agreement, the charter school authorizer shall notify  
3449 the following in writing that the charter school has a reasonable time to remedy the deficiency,  
3450 except as otherwise provided in Subsection **53G-5-503**(4):

3451 (a) the charter school governing board; and

3452 (b) if the charter school is a qualifying charter school with outstanding bonds issued in  
3453 accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School  
3454 Finance Authority.

3455 (2) If the charter school does not remedy the deficiency within the established timeline,  
3456 the authorizer may:

3457 (a) subject to the requirements of Subsection (4), take one or more of the following  
3458 actions:

3459 (i) remove a charter school director or finance officer;

3460 (ii) remove a charter school governing board member; or

3461 (iii) appoint an interim director or mentor to work with the charter school; or

3462 (b) subject to the requirements of Section **53G-5-503**, terminate the school's charter  
3463 agreement.

3464 (3) The costs of an interim director or mentor appointed pursuant to Subsection (2)(a)



3465 shall be paid from the funds of the charter school for which the interim director or mentor is  
3466 working.

3467 (4) The authorizer shall notify the Utah Charter School Finance Authority before the  
3468 authorizer takes an action described in Subsections (2)(a)(i) through (iii) if the charter school is  
3469 a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter  
3470 School Credit Enhancement Program.

3471 (5) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3472 Act, the state board shall make rules:

3473 (a) specifying the timeline for remedying deficiencies under Subsection (1); and  
3474 (b) ensuring the compliance of a charter school with its approved charter agreement.

3475 Section 76. Section **53G-5-503** is amended to read:

3476 **53G-5-503. Termination of a charter agreement.**

3477 (1) Subject to the requirements of Subsection (3), a charter school authorizer may  
3478 terminate a school's charter agreement for any of the following reasons:

3479 (a) failure of the charter school to meet the requirements stated in the charter  
3480 agreement;

3481 (b) failure to meet generally accepted standards of fiscal management;

3482 (c) (i) designation as a low performing school under Title 53E, Chapter 5, Part 3,  
3483 School Turnaround and Leadership Development; and

3484 (ii) failure to improve the school's grade under the conditions described in Title 53E,  
3485 Chapter 5, Part 3, School Turnaround and Leadership Development;

3486 (d) violation of requirements under this chapter or another law; or

3487 (e) other good cause shown.

3488 (2) (a) The authorizer shall notify the following of the proposed termination in writing,  
3489 state the grounds for the termination, and stipulate that the charter school governing board may  
3490 request an informal hearing before the authorizer:

3491 (i) the charter school governing board; and

3492 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in  
3493 accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School  
3494 Finance Authority.

3495 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in

3496 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after  
3497 receiving a written request under Subsection (2)(a).

3498 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,  
3499 the charter school governing board may appeal the decision to the state board.

3500 (d) (i) The state board shall hear an appeal of a termination made pursuant to  
3501 Subsection (2)(c).

3502 (ii) The state board's action is final action subject to judicial review.

3503 (e) (i) If the authorizer proposes to terminate the charter agreement of a qualifying  
3504 charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit  
3505 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)  
3506 120 days or more after notifying the following of the proposed termination:

3507 (A) the charter school governing board of the qualifying charter school; and

3508 (B) the Utah Charter School Finance Authority.

3509 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School  
3510 Finance Authority shall meet with the authorizer to determine whether the deficiency may be  
3511 remedied in lieu of termination of the qualifying charter school's charter agreement.

3512 (3) An authorizer may not terminate the charter agreement of a qualifying charter  
3513 school with outstanding bonds issued in accordance with Part 6, Charter School Credit  
3514 Enhancement Program, without mutual agreement of the Utah Charter School Finance  
3515 Authority and the authorizer.

3516 (4) (a) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative  
3517 Rulemaking Act, the state board shall make rules that require a charter school to report any  
3518 threats to the health, safety, or welfare of its students to the State Charter School Board in a  
3519 timely manner.

3520 (b) The rules under Subsection (4)(a) shall also require the charter school report to  
3521 include what steps the charter school has taken to remedy the threat.

3522 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a  
3523 charter agreement immediately if good cause has been shown or if the health, safety, or welfare  
3524 of the students at the school is threatened.

3525 (6) If a charter agreement is terminated during a school year, the following entities may  
3526 apply to the charter school's authorizer to assume operation of the school:

- 3527 (a) the school district where the charter school is located;
- 3528 (b) the charter school governing board of another charter school; or
- 3529 (c) a private management company.
- 3530 (7) (a) If a charter agreement is terminated, a student who attended the school may
- 3531 apply to and shall be enrolled in another public school under the enrollment provisions of
- 3532 Chapter 6, Part 3, School District Residency, subject to space availability.
- 3533 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).
- 3534 Section 77. Section **53G-5-504** is amended to read:
- 3535 **53G-5-504. Charter school closure.**
- 3536 (1) If a charter school is closed for any reason, including the termination of a charter
- 3537 agreement in accordance with Section **53G-5-503** or the conversion of a charter school to a
- 3538 private school, the provisions of this section apply.
- 3539 (2) A decision to close a charter school is made:
- 3540 (a) when a charter school authorizer approves a motion to terminate described in
- 3541 Subsection **53G-5-503(2)(c)**;
- 3542 (b) when the state board takes final action described in Subsection **53G-5-503(2)(d)(ii)**;
- 3543 or
- 3544 (c) when a charter school provides notice to the charter school's authorizer that the
- 3545 charter school is relinquishing the charter school's charter.
- 3546 (3) (a) No later than 10 days after the day on which a decision to close a charter school
- 3547 is made, the charter school shall:
- 3548 (i) provide notice to the following, in writing, of the decision:
- 3549 (A) if the charter school made the decision to close, the charter school's authorizer;
- 3550 (B) the State Charter School Board;
- 3551 (C) if the state board did not make the decision to close, the state board;
- 3552 (D) parents of students enrolled at the charter school;
- 3553 (E) the charter school's creditors;
- 3554 (F) the charter school's lease holders;
- 3555 (G) the charter school's bond issuers;
- 3556 (H) other entities that may have a claim to the charter school's assets;
- 3557 (I) the school district in which the charter school is located and other charter schools

3558 located in that school district; and

3559 (J) any other person that the charter school determines to be appropriate; and

3560 (ii) post notice of the decision on the Utah Public Notice Website, created in Section  
3561 63F-1-701.

3562 (b) The notice described in Subsection (3)(a) shall include:

3563 (i) the proposed date of the charter school closure;

3564 (ii) the charter school's plans to help students identify and transition into a new school;

3565 and

3566 (iii) contact information for the charter school during the transition.

3567 (4) No later than 10 days after the day on which a decision to close a charter school is  
3568 made, the closing charter school shall:

3569 (a) designate a custodian for the protection of student files and school business records;

3570 (b) designate a base of operation that will be maintained throughout the charter school  
3571 closing, including:

3572 (i) an office;

3573 (ii) hours of operation;

3574 (iii) operational telephone service with voice messaging stating the hours of operation;

3575 and

3576 (iv) a designated individual to respond to questions or requests during the hours of  
3577 operation;

3578 (c) assure that the charter school will maintain insurance coverage and risk  
3579 management coverage throughout the transition to closure and for a period following closure of  
3580 the charter school as specified by the charter school's authorizer;

3581 (d) assure that the charter school will complete by the set deadlines for all fiscal years  
3582 in which funds are received or expended by the charter school a financial audit and any other  
3583 procedure required by state board rule;

3584 (e) inventory all assets of the charter school; and

3585 (f) list all creditors of the charter school and specifically identify secured creditors and  
3586 assets that are security interests.

3587 (5) The closing charter school's authorizer shall oversee the closing charter school's  
3588 compliance with Subsection (4).

3589 (6) (a) A closing charter school shall return any assets remaining, after all liabilities  
3590 and obligations of the closing charter school are paid or discharged, to the closing charter  
3591 school's authorizer.

3592 (b) The closing charter school's authorizer shall liquidate assets at fair market value or  
3593 assign the assets to another public school.

3594 (7) The closing charter school's authorizer shall oversee liquidation of assets and  
3595 payment of debt in accordance with state board rule.

3596 (8) The closing charter school shall:

3597 (a) comply with all state and federal reporting requirements; and

3598 (b) submit all documentation and complete all state and federal reports required by the  
3599 closing charter school's authorizer or the state board, including documents to verify the closing  
3600 charter school's compliance with procedural requirements and satisfaction of all financial  
3601 issues.

3602 (9) When the closing charter school's financial affairs are closed out and dissolution is  
3603 complete, the authorizer shall ensure that a final audit of the charter school is completed.

3604 (10) On or before January 1, 2017, the state board shall, in accordance with Title 63G,  
3605 Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from  
3606 charter school authorizers, make rules that:

3607 (a) provide additional closure procedures for charter schools; and

3608 (b) establish a charter school closure process.

3609 Section 78. Section **53G-6-302** is amended to read:

3610 **53G-6-302. Child's school district of residence -- Determination -- Responsibility**  
3611 **for providing educational services.**

3612 (1) As used in this section:

3613 (a) "Health care facility" means the same as that term is defined in Section [26-21-2](#).

3614 (b) "Human services program" means the same as that term is defined in Section  
3615 [62A-2-101](#).

3616 (c) "Supervision" means a minor child is:

3617 (i) receiving services from a state agency, local mental health authority, or substance  
3618 abuse authority with active involvement or oversight; and

3619 (ii) engaged in a human services program that is properly licensed or certified and has

3620 provided the school district receiving the minor child with an education plan that complies with  
3621 the requirements of Section [62A-2-108.1](#).

3622 (2) The school district of residence of a minor child whose custodial parent resides  
3623 within Utah is:

3624 (a) the school district in which the custodial parent resides; or

3625 (b) the school district in which the child resides:

3626 (i) while in the custody or under the supervision of a Utah state agency, local mental  
3627 health authority, or substance abuse authority;

3628 (ii) while under the supervision of a private or public agency which is in compliance  
3629 with Section [62A-4a-606](#) and is authorized to provide child placement services by the state;

3630 (iii) while living with a responsible adult resident of the district, if a determination has  
3631 been made in accordance with rules made by the state board in accordance with Title 63G,  
3632 Chapter 3, Utah Administrative Rulemaking Act, that:

3633 (A) the child's physical, mental, moral, or emotional health will best be served by  
3634 considering the child to be a resident for school purposes;

3635 (B) exigent circumstances exist that do not permit the case to be appropriately  
3636 addressed under Section [53G-6-402](#); and

3637 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iii)  
3638 does not violate any other law or rule of the state board;

3639 (iv) while the child is receiving services from a health care facility or human services  
3640 program, if a determination has been made in accordance with rules made by the state board in  
3641 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

3642 (A) the child's physical, mental, moral, or emotional health will best be served by  
3643 considering the child to be a resident for school purposes;

3644 (B) exigent circumstances exist that do not permit the case to be appropriately  
3645 addressed under Section [53G-6-402](#); and

3646 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv)  
3647 does not violate any other law or rule of the state board; or

3648 (v) if the child is married or has been determined to be an emancipated minor by a  
3649 court of law or by a state administrative agency authorized to make that determination.

3650 (3) A minor child whose custodial parent does not reside in the state is considered to be

3651 a resident of the district in which the child lives, unless that designation violates any other law  
3652 or rule of the state board, if:

3653 (a) the child is married or an emancipated minor under Subsection (2)(b)(v);

3654 (b) the child lives with a resident of the district who is a responsible adult and whom  
3655 the district agrees to designate as the child's legal guardian under Section 53G-6-303;

3656 (c) if permissible under policies adopted by a local school board, it is established to the  
3657 satisfaction of the local school board that:

3658 (i) the child lives with a responsible adult who is a resident of the district and is the  
3659 child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;

3660 (ii) the child's presence in the district is not for the primary purpose of attending the  
3661 public schools;

3662 (iii) the child's physical, mental, moral, or emotional health will best be served by  
3663 considering the child to be a resident for school purposes; and

3664 (iv) the child is prepared to abide by the policies of the school and school district in  
3665 which attendance is sought; or

3666 (d) it is established to the satisfaction of the local school board that:

3667 (i) the child's parent moves from the state;

3668 (ii) the child's parent executes a power of attorney under Section 75-5-103 that:

3669 (A) meets the requirements of Subsection (4); and

3670 (B) delegates powers regarding care, custody, or property, including schooling, to a  
3671 responsible adult with whom the child resides;

3672 (iii) the responsible adult described in Subsection (3)(d)(ii)(B) is a resident of the  
3673 district;

3674 (iv) the child's physical, mental, moral, or emotional health will best be served by  
3675 considering the child to be a resident for school purposes;

3676 (v) the child is prepared to abide by the policies of the school and school district in  
3677 which attendance is sought; and

3678 (vi) the child's attendance in the school will not be detrimental to the school or school  
3679 district.

3680 (4) (a) If admission is sought under Subsection (2)(b)(iii), (3)(c), or (3)(d), then the  
3681 district may require the person with whom the child lives to be designated as the child's

3682 custodian in a durable power of attorney, issued by the party who has legal custody of the child,  
3683 granting the custodian full authority to take any appropriate action, including authorization for  
3684 educational or medical services, in the interests of the child.

3685 (b) Both the party granting and the party empowered by the power of attorney shall  
3686 agree to:

3687 (i) assume responsibility for any fees or other charges relating to the child's education  
3688 in the district; and

3689 (ii) if eligibility for fee waivers is claimed under Section 53G-7-504, provide the  
3690 school district with all financial information requested by the district for purposes of  
3691 determining eligibility for fee waivers.

3692 (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of  
3693 this section and accepted by the school district shall remain in force until the earliest of the  
3694 following occurs:

3695 (i) the child reaches the age of 18, marries, or becomes emancipated;

3696 (ii) the expiration date stated in the document; or

3697 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,  
3698 or by order of a court of competent jurisdiction.

3699 (5) A power of attorney does not confer legal guardianship.

3700 (6) Each school district is responsible for providing educational services for all  
3701 children of school age who are residents of the district.

3702 Section 79. Section 53G-6-504 is amended to read:

3703 **53G-6-504. Approval of increase in charter school enrollment capacity --**

3704 **Expansion.**

3705 (1) For the purposes of this section:

3706 (a) "High growth area" means an area of the state where school enrollment is  
3707 significantly increasing or projected to significantly increase.

3708 (b) "Next school year" means the school year that begins on or after the July 1  
3709 immediately following the end of a general session of the Legislature.

3710 (2) The state board may approve an increase in charter school enrollment capacity  
3711 subject to the Legislature:

3712 (a) appropriating funds for an increase in charter school enrollment capacity in the next



3713 school year; or

3714 (b) authorizing an increase in charter school enrollment capacity in the school year  
3715 immediately following the next school year.

3716 (3) In appropriating funds for, or authorizing, an increase in charter school enrollment  
3717 capacity, the Legislature shall provide a separate appropriation or authorization of enrollment  
3718 capacity for a charter school proposed and approved in response to a request for applications  
3719 issued under Section [53G-5-301](#).

3720 (4) (a) A charter school may annually submit a request to the state board for an increase  
3721 in enrollment capacity in the amount of .25 times the number of students in grades 9 through  
3722 12 enrolled in an online course in the previous school year through the Statewide Online  
3723 Education Program.

3724 (b) A charter school shall submit a request for an increase in enrollment capacity  
3725 pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase  
3726 in enrollment capacity is requested.

3727 (c) The state board shall approve a request for an increase in enrollment capacity made  
3728 under Subsection (4)(a) subject to the availability of sufficient funds appropriated under Title  
3729 53F, Chapter 2, Part 7, Charter School Funding, to provide the full amount of the per student  
3730 allocation for each charter school student in the state to supplement school district property tax  
3731 revenues.

3732 (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a  
3733 permanent increase in the charter school's enrollment capacity.

3734 (5) (a) On or before January 1, 2017, the state board shall, in accordance with Title  
3735 63G, Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from  
3736 charter school authorizers, make rules establishing requirements, procedures, and deadlines for  
3737 an expansion of a charter school.

3738 (b) The rules described in Subsection (5)(a) shall include rules related to:

3739 (i) an expansion of a charter school when another charter school issues a notice of  
3740 closure; and

3741 (ii) the establishment of a satellite campus.

3742 (6) (a) If the Legislature does not appropriate funds for an increase in charter school  
3743 enrollment capacity that is tentatively approved by the state board, the state board shall

3744 prioritize the tentatively approved schools and expansions based on approved funds.

3745 (b) A charter school or expansion that is tentatively approved, but not funded, shall be  
3746 considered to be tentatively approved for the next application year and receive priority status  
3747 for available funding.

3748 (7) (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in  
3749 charter school enrollment capacity for new charter schools and expanding charter schools, the  
3750 state board shall give:

3751 (i) high priority to approving a new charter school or a charter school expansion in a  
3752 high growth area; and

3753 (ii) low priority to approving a new charter school or a charter school expansion in an  
3754 area where student enrollment is stable or declining.

3755 (b) An applicant seeking to establish a charter school in a high growth area may elect  
3756 to not receive high priority status as provided in Subsection (7)(a)(i).

3757 Section 80. Section **53G-6-702** is amended to read:

3758 **53G-6-702. Dual enrollment.**

3759 (1) As used in this section, "minor" means the same as that term is defined in Section  
3760 [53G-6-201](#).

3761 (2) A person having control of a minor who is enrolled in a regularly established  
3762 private school or a home school may also enroll the minor in a public school for dual  
3763 enrollment purposes.

3764 (3) The minor may participate in any academic activity in the public school available to  
3765 students in the minor's grade or age group, subject to compliance with the same rules and  
3766 requirements that apply to a full-time student's participation in the activity.

3767 (4) (a) A student enrolled in a dual enrollment program in a district school is  
3768 considered a student of the district in which the district school of attendance is located for  
3769 purposes of state funding to the extent of the student's participation in the district school  
3770 programs.

3771 (b) A student enrolled in a dual enrollment program in a charter school is considered a  
3772 student of the charter school for purposes of state funding to the extent of the student's  
3773 participation in the charter school programs.

3774 (5) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

3775 Act, the state board shall make rules for purposes of dual enrollment to govern and regulate the  
3776 transferability of credits toward graduation that are earned in a private or home school.

3777 Section 81. Section **53G-6-803** is amended to read:

3778 **53G-6-803. Parental right to academic accommodations.**

3779 (1) (a) A student's parent is the primary person responsible for the education of the  
3780 student, and the state is in a secondary and supportive role to the parent. As such, a student's  
3781 parent has the right to reasonable academic accommodations from the student's LEA as  
3782 specified in this section.

3783 (b) Each accommodation shall be considered on an individual basis and no student  
3784 shall be considered to a greater or lesser degree than any other student.

3785 (c) The parental rights specified in this section do not include all the rights or  
3786 accommodations that may be available to a student's parent as a user of the public education  
3787 system.

3788 (d) An accommodation under this section may only be provided if the accommodation  
3789 is:

3790 (i) consistent with federal law; and

3791 (ii) consistent with a student's IEP if the student already has an IEP.

3792 (2) An LEA shall reasonably accommodate a parent's written request to retain a student  
3793 in kindergarten through grade 8 on grade level based on the student's academic ability or the  
3794 student's social, emotional, or physical maturity.

3795 (3) An LEA shall reasonably accommodate a parent's initial selection of a teacher or  
3796 request for a change of teacher.

3797 (4) An LEA shall reasonably accommodate the request of a student's parent to visit and  
3798 observe any class the student attends.

3799 (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused  
3800 absence for a scheduled family event or a scheduled proactive visit to a health care provider if:

3801 (a) the parent submits a written statement at least one school day before the scheduled  
3802 absence; and

3803 (b) the student agrees to make up course work for school days missed for the scheduled  
3804 absence in accordance with LEA policy.

3805 (6) (a) An LEA shall reasonably accommodate a parent's written request to place a

3806 student in a specialized class, a specialized program, or an advanced course.

3807 (b) An LEA shall consider multiple academic data points when determining an  
3808 accommodation under Subsection (6)(a).

3809 (7) Consistent with Section [53E-4-204](#), which requires the state board to establish  
3810 graduation requirements that use competency-based standards and assessments, an LEA shall  
3811 allow a student to earn course credit toward high school graduation without completing a  
3812 course in school by:

3813 (a) testing out of the course; or

3814 (b) demonstrating competency in course standards.

3815 (8) An LEA shall reasonably accommodate a parent's request to meet with a teacher at  
3816 a mutually agreeable time if the parent is unable to attend a regularly scheduled parent teacher  
3817 conference.

3818 (9) (a) At the request of a student's parent, an LEA shall excuse a student from taking  
3819 an assessment that:

3820 (i) is federally mandated;

3821 (ii) is mandated by the state under this public education code; or

3822 (iii) requires the use of:

3823 (A) a state assessment system; or

3824 (B) software that is provided or paid for by the state.

3825 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3826 Act, the state board shall make rules:

3827 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)  
3828 that:

3829 (A) does not place an undue burden on a parent; and

3830 (B) may be completed online; and

3831 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or  
3832 an LEA's employees through school accountability or employee evaluations due to a student  
3833 not taking an assesment under Subsection (9)(a).

3834 (c) An LEA:

3835 (i) shall follow the procedures outlined in rules made by the state board under  
3836 Subsection (9)(b) to excuse a student under Subsection (9)(a);

3837 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition  
3838 to the procedures outlined in rules made by the state board under Subsection (9)(b); and

3839 (iii) may not provide a nonacademic reward to a student for taking an assessment  
3840 described in Subsection (9)(a).

3841 (d) The state board shall:

3842 (i) maintain and publish a list of state assessments, state assessment systems, and  
3843 software that qualify under Subsection (9)(a); and

3844 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

3845 (10) (a) An LEA shall provide for:

3846 (i) the distribution of a copy of a school's discipline and conduct policy to each student  
3847 in accordance with Section [53G-8-204](#); and

3848 (ii) a parent's signature acknowledging receipt of the school's discipline and conduct  
3849 policy.

3850 (b) An LEA shall notify a parent of a student's violation of a school's discipline and  
3851 conduct policy and allow a parent to respond to the notice in accordance with Chapter 8, Part 2,  
3852 School Discipline and Conduct Plans.

3853 Section 82. Section [53G-7-306](#) is amended to read:

3854 **53G-7-306. School district interfund transfers.**

3855 (1) A school district shall spend revenues only within the fund for which they were  
3856 originally authorized, levied, collected, or appropriated.

3857 (2) Except as otherwise provided in this section, school district interfund transfers of  
3858 residual equity are prohibited.

3859 (3) The state board may authorize school district interfund transfers of residual equity  
3860 when a district states its intent to create a new fund or expand, contract, or liquidate an existing  
3861 fund.

3862 (4) The state board may also authorize school district interfund transfers of residual  
3863 equity for a financially distressed district if the state board determines the following:

3864 (a) the district has a significant deficit in its maintenance and operations fund caused  
3865 by circumstances not subject to the administrative decisions of the district;

3866 (b) the deficit cannot be reasonably reduced under Section [53G-7-305](#); and

3867 (c) without the transfer, the school district will not be capable of meeting statewide

3868 educational standards adopted by the state board.

3869 (5) The board shall develop [~~in rule~~] by rule made in accordance with Title 63G,  
3870 Chapter 3, Utah Administrative Rulemaking Act, standards for defining and aiding financially  
3871 distressed school districts under this section.

3872 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded  
3873 and reported in the debt service fund.

3874 (b) Debt service levies under Subsection 59-2-924(5)(c) that are not subject to the  
3875 public hearing provisions of Section 59-2-919 may not be used for any purpose other than  
3876 retiring general obligation debt.

3877 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal  
3878 year shall be used in subsequent years for general obligation debt retirement.

3879 (d) Any amounts left in the debt service fund after all general obligation debt has been  
3880 retired may be transferred to the capital projects fund upon completion of the budgetary hearing  
3881 process required under Section 53G-7-303.

3882 Section 83. Section 53G-7-503 is amended to read:

3883 **53G-7-503. Fees -- Prohibitions -- Voluntary supplies -- Enforcement.**

3884 (1) An LEA may only charge a fee if the fee is authorized and noticed by the LEA  
3885 governing board in accordance with Section 53G-7-505.

3886 (2) (a) An LEA may not require a fee for elementary school activities that are part of the  
3887 regular school day or for supplies used during the regular school day.

3888 (b) An elementary school or elementary school teacher may compile and provide to a  
3889 student's parent a suggested list of supplies for use during the regular school day so that a  
3890 parent may furnish on a voluntary basis those supplies for student use.

3891 (c) A list provided to an elementary student's parent in accordance with Subsection  
3892 (2)(b) shall include and be preceded by the following language:

3893 "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR  
3894 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,  
3895 OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

3896 (3) (a) Beginning with or after the 2021-2022 school year, if an LEA imposes a fee, the  
3897 fee shall be equal to or less than the expense incurred by the LEA in providing for a student the  
3898 activity, course, or program for which the LEA imposes the fee.

3899 (b) An LEA may not impose an additional fee or increase a fee to supplant or subsidize  
3900 another fee.

3901 (4) (a) Beginning with or after the 2021-2022 school year, and notwithstanding Section  
3902 [53E-3-401](#), if the state board finds that an LEA has violated a provision of this part or Part 6,  
3903 Textbook Fees, the state board shall impose corrective action against the LEA, which may  
3904 include:

3905 (i) requiring an LEA to repay improperly charged fees;

3906 (ii) withholding state funds; and

3907 (iii) suspending the LEA's authority to charge fees for an amount of time specified by  
3908 the state board.

3909 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3910 Act, the state board shall make rules:

3911 (i) that require notice and an opportunity to be heard for an LEA affected by a state  
3912 board action described in Subsection (4)(a); and

3913 (ii) to administer this Subsection (4).

3914 Section 84. Section **53G-7-504** is amended to read:

3915 **53G-7-504. Waiver of fees -- Appeal of decision.**

3916 (1) (a) If an LEA or a school within an LEA charges one or more fees, the LEA shall  
3917 grant a waiver to a student if charging the fee would deny the student the opportunity to fully  
3918 participate or complete a requirement because of an inability to pay the fee.

3919 (b) An LEA governing board shall:

3920 (i) adopt policies for granting a waiver; and

3921 (ii) in accordance with Section [53G-7-505](#), give notice of waiver eligibility and  
3922 policies.

3923 (2) (a) An LEA that charges a fee under this part and Part 6, Textbook Fees, may  
3924 provide a variety of alternatives for a student or family to satisfy a fee requirement, including  
3925 allowing a student to provide:

3926 (i) tutorial assistance to other students;

3927 (ii) assistance before or after school to teachers and other school personnel on school  
3928 related matters; and

3929 (iii) general community or home service.

3930 (b) Each LEA governing board may add to the list of alternatives provided by the state  
3931 board, subject to approval by the state board.

3932 (3) With regard to a student who is in the custody of the Division of Child and Family  
3933 Services who is also eligible under Title IV-E of the federal Social Security Act, an LEA  
3934 governing board shall require fee waivers or alternatives in accordance with this section.

3935 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3936 Act, the state board shall make rules:

3937 (a) requiring a parent of a student applying for a fee waiver to provide documentation  
3938 and certification to the school verifying:

3939 (i) the student's eligibility to receive the waiver; and

3940 (ii) if applicable, that the student has complied with alternatives for satisfying the fee  
3941 requirements under Subsection (2) to the fullest extent reasonably possible according to the  
3942 individual circumstances of the student and the LEA; and

3943 (b) specifying the acceptable forms of documentation for the requirement under  
3944 Subsection (4)(a), which shall include verification based on income tax returns or current pay  
3945 stubs.

3946 (5) Notwithstanding the requirements under Subsection (4), an LEA is not required to  
3947 keep documentation on file after the verification is completed.

3948 (6) If a school denies a student or parent request for a fee waiver, the school shall  
3949 provide the student or parent:

3950 (a) the school's written decision to deny a waiver; and

3951 (b) the procedure to appeal in accordance with LEA policy.

3952 Section 85. Section **53G-7-1004** is amended to read:

3953 **53G-7-1004. Rulemaking -- Reporting.**

3954 The state board may make rules, in accordance with Title 63G, Chapter 3, Utah  
3955 Administrative Rulemaking Act, regarding compliance standards and reporting requirements  
3956 for local school boards with respect to the policy required by Section **53G-7-1002**.

3957 Section 86. Section **53G-7-1206** is amended to read:

3958 **53G-7-1206. School LAND Trust Program.**

3959 (1) As used in this section:

3960 (a) "Charter school authorizer" means the same as that term is defined in Section



3961 53G-5-102.

3962 (b) "Charter trust land council" means a council established by a charter school  
3963 governing board under Section 53G-7-1205.

3964 (c) "Council" means a school community council or a charter trust land council.

3965 (d) "LAND trust plan" means a school's plan to use School LAND Trust Program  
3966 money to implement a component of the school's success plan.

3967 (e) "School community council" means a council established at a district school in  
3968 accordance with Section 53G-7-1202.

3969 (f) "Teacher and student success plan" or "success plan" means the same as that term is  
3970 defined in Section 53G-7-1301.

3971 (2) There is established the School LAND (Learning And Nurturing Development)  
3972 Trust Program under the state board to:

3973 (a) provide financial resources to public schools to enhance or improve student  
3974 academic achievement and implement a component of a district school or charter school's  
3975 teacher and student success plan; and

3976 (b) involve parents of a school's students in decision making regarding the expenditure  
3977 of School LAND Trust Program money allocated to the school.

3978 (3) To receive an allocation under Section 53F-2-404:

3979 (a) a district school shall have established a school community council in accordance  
3980 with Section 53G-7-1202;

3981 (b) a charter school shall have established a charter trust land council in accordance  
3982 with Section 53G-7-1205; and

3983 (c) the school's principal shall provide a signed, written assurance that the school is in  
3984 compliance with Subsection (3)(a) or (b).

3985 (4) (a) A council shall create a program to use the school's allocation distributed under  
3986 Section 53F-2-404 to implement a component of the school's success plan, including:

3987 (i) the school's identified most critical academic needs;

3988 (ii) a recommended course of action to meet the identified academic needs;

3989 (iii) a specific listing of any programs, practices, materials, or equipment that the  
3990 school will need to implement a component of the school's success plan to have a direct impact  
3991 on the instruction of students and result in measurable increased student performance; and

3992 (iv) how the school intends to spend the school's allocation of funds under this section  
3993 to enhance or improve academic excellence at the school.

3994 (b) (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the  
3995 council at which a quorum is present.

3996 (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan  
3997 is adopted.

3998 (c) A council shall:

3999 (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the  
4000 School LAND Trust Program website; and

4001 (ii) include with the LAND trust plan a report noting the number of council members  
4002 who voted for or against the approval of the LAND trust plan and the number of council  
4003 members who were absent for the vote.

4004 (d) (i) The local school board of a district school shall approve or disapprove a LAND  
4005 trust plan.

4006 (ii) If a local school board disapproves a LAND trust plan:

4007 (A) the local school board shall provide a written explanation of why the LAND trust  
4008 plan was disapproved and request the school community council who submitted the LAND  
4009 trust plan to revise the LAND trust plan; and

4010 (B) the school community council shall submit a revised LAND trust plan in response  
4011 to a local school board's request under Subsection (4)(d)(ii)(A).

4012 (iii) Once a LAND trust plan has been approved by a local school board, a school  
4013 community council may amend the LAND trust plan, subject to a majority vote of the school  
4014 community council and local school board approval.

4015 (e) A charter trust land council's LAND trust plan is subject to approval by the:

4016 (i) charter school governing board; and

4017 (ii) charter school's charter school authorizer.

4018 (5) (a) A district school or charter school shall:

4019 (i) implement the program as approved;

4020 (ii) provide ongoing support for the council's program; and

4021 (iii) meet state board reporting requirements regarding financial and performance  
4022 accountability of the program.

4023 (b) (i) A district school or charter school shall prepare and post an annual report of the  
4024 program on the School LAND Trust Program website each fall.

4025 (ii) The report shall detail the use of program funds received by the school under this  
4026 section and an assessment of the results obtained from the use of the funds.

4027 (iii) A summary of the report shall be provided to parents of students attending the  
4028 school.

4029 (6) On or before October 1 of each year, a school district shall record the amount of the  
4030 program funds distributed to each school under Section 53F-2-404 on the School LAND Trust  
4031 Program website to assist schools in developing the annual report described in Subsection  
4032 (5)(b).

4033 (7) The president or chair of a local school board or charter school governing board  
4034 shall ensure that the members of the local school board or charter school governing board are  
4035 provided with annual training on the requirements of this section.

4036 (8) (a) The School LAND Trust Program shall provide training to the entities described  
4037 in Subsection (8)(b) on:

4038 (i) the School LAND Trust Program; and

4039 (ii) (A) a school community council; or

4040 (B) a charter trust land council.

4041 (b) The School LAND Trust Program shall provide the training to:

4042 (i) a local school board or a charter school governing board;

4043 (ii) a school district or a charter school; and

4044 (iii) a school community council.

4045 (9) The School LAND Trust Program shall annually review each school's compliance  
4046 with applicable law, including rules adopted by the state board in accordance with Title 63G,  
4047 Chapter 3, Utah Administrative Rulemaking Act, by:

4048 (a) reading each LAND trust plan submitted; and

4049 (b) reviewing expenditures made from School LAND Trust Program money.

4050 (10) The state board shall designate a staff member who administers the School LAND  
4051 Trust Program:

4052 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee  
4053 created under Section 53D-2-202; and

4054 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,  
4055 appointed under Section 53D-2-203, to attend meetings or events within the School and  
4056 Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND  
4057 Trust Program.

4058 Section 87. Section 53G-7-1304 is amended to read:

4059 **53G-7-1304. Program requirements -- LEA governing board student success**  
4060 **framework -- LEA distribution -- School allocation -- Reporting.**

4061 (1) (a) To receive an LEA distribution, an LEA governing board shall:

4062 (i) adopt an LEA governing board student success framework to provide guidelines and  
4063 processes for a school within the LEA governing board's LEA to follow in developing a teacher  
4064 and student success plan; and

4065 (ii) submit the adopted LEA governing board student success framework to the state  
4066 board.

4067 (b) An LEA governing board may include in the LEA governing board's student  
4068 success framework any means reasonably designed to improve school performance or student  
4069 academic achievement, including:

4070 (i) school personnel stipends for taking on additional responsibility outside of a typical  
4071 work assignment;

4072 (ii) professional learning;

4073 (iii) additional school employees, including counselors, social workers, mental health  
4074 workers, tutors, media specialists, information technology specialists, or other specialists;

4075 (iv) technology;

4076 (v) before- or after-school programs;

4077 (vi) summer school programs;

4078 (vii) community support programs or partnerships;

4079 (viii) early childhood education;

4080 (ix) class size reduction strategies;

4081 (x) augmentation of existing programs; or

4082 (xi) other means.

4083 (c) An LEA governing board student success framework may not support the use of  
4084 program money:

- 4085 (i) to supplant funding for existing public education programs;
- 4086 (ii) for district administration costs; or
- 4087 (iii) for capital expenditures.
- 4088 (2) (a) An LEA governing board shall use an LEA distribution as follows:
- 4089 (i) for increases to base salary and salary driven benefits for school personnel that,
- 4090 except as provided in Subsection (2)(c)(i), total 25% or less of the LEA distribution; and
- 4091 (ii) except as provided in Subsection (2)(b)(ii) and in accordance with Subsection (3),
- 4092 for each school within the LEA governing board's LEA, an allocation that is equal to the
- 4093 product of:
- 4094 (A) the percentage of the school's prior year average daily membership compared to the
- 4095 total prior year average daily membership for all schools in the LEA; and
- 4096 (B) the remaining amount of the LEA governing board's LEA distribution after
- 4097 subtracting the amounts described in Subsections (2)(a)(i) and (2)(b)(ii).
- 4098 (b) (i) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative
- 4099 Rulemaking Act, the state board shall make rules for an LEA governing board to calculate and
- 4100 distribute a school allocation for a school in the school's first year of operation.
- 4101 (ii) In accordance with Subsection (3) and the rules described in Subsection (2)(b)(i),
- 4102 an LEA governing board shall distribute a school allocation for a school in the school's first
- 4103 year of operation.
- 4104 (c) Except as provided in Subsection (2)(d), the LEA governing board of a school
- 4105 district may use up to 40% of an LEA distribution for the purposes described in Subsection
- 4106 (2)(a)(i), if:
- 4107 (i) the LEA governing board has:
- 4108 (A) approved a board local levy for the maximum amount allowed under Section
- 4109 [53F-8-302](#); or
- 4110 (B) after the LEA governing board has submitted an LEA governing board student
- 4111 success framework to the state board, increased the board local levy described in Section
- 4112 [53F-8-302](#) by at least .0001 per dollar of taxable value; and
- 4113 (ii) the school district's average teacher salary is below the state average teacher salary
- 4114 described in Subsection (2)(f).
- 4115 (d) The LEA governing board of a school district in a county of the fourth, fifth, or

4116 sixth class or the LEA governing board of a charter school may use up to 40% of an LEA  
4117 distribution for the purposes described in Subsection (2)(a)(i), if the LEA's average teacher  
4118 salary is below the state average teacher salary described in Subsection (2)(f).

4119 (e) An LEA governing board shall annually report information as requested by the state  
4120 board for the state board to calculate a state average teacher salary.

4121 (f) The state board shall use the information described in Subsection (2)(c)(ii) to  
4122 calculate a state average teacher salary amount and a state average teacher benefit amount.

4123 (3) An LEA governing board shall allocate a school allocation to a school with a  
4124 teacher and student success plan that is approved as described in Section [53G-7-1305](#).

4125 (4) (a) Except as provided in Subsection (4)(b), a school shall use a school allocation to  
4126 implement the school's success plan.

4127 (b) A school may use up to 5% of the school's school allocation to fund school  
4128 personnel retention at the principal's discretion, not including uniform salary increases.

4129 (c) A school may not use a school allocation for:

4130 (i) capital expenditures; or

4131 (ii) a purpose that is not supported by the LEA governing board student success  
4132 framework for the school's LEA.

4133 (5) A school that receives a school allocation shall annually:

4134 (a) submit to the school's LEA governing board a description of:

4135 (i) the budgeted and actual expenditures of the school's school allocation;

4136 (ii) how the expenditures relate to the school's success plan; and

4137 (iii) how the school measures the success of the school's participation in the program;

4138 and

4139 (b) post on the school's website:

4140 (i) the school's approved success plan;

4141 (ii) a description of the school's school allocation budgeted and actual expenditures and  
4142 how the expenditures help the school accomplish the school's success plan; and

4143 (iii) the school's current level of performance, as described in Section [53G-7-1306](#),  
4144 according to the indicators described in Section [53E-5-205](#) or [53E-5-206](#).

4145 Section 88. Section [53G-7-1306](#) is amended to read:

4146 **[53G-7-1306. School improvement oversight -- Performance standards.](#)**

4147 (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4148 Act, the state board shall make rules that:

4149 (a) using a criteria-setting process, determine a threshold of points under the statewide  
4150 school accountability system that designates a school as succeeding in school performance and  
4151 student academic achievement; and

4152 (b) determine performance standards for a school described in Section [53E-5-203](#).

4153 (2) (a) For each year following the year in which a school received approval for a  
4154 success plan, an LEA governing board shall determine if the school:

4155 (i) meets or exceeds the threshold of points described in Subsection (1);

4156 (ii) has demonstrated at least a 1% increase in the school's total points received under  
4157 the statewide school accountability system compared to the previous school year; or

4158 (iii) qualifies for and satisfies the performance standards described in Subsection

4159 (1)(b).

4160 (b) If the LEA governing board determines that a school does not satisfy Subsection

4161 (2)(a)(i), (ii), or (iii), the LEA governing board shall:

4162 (i) work with the school's principal to modify the school's success plan to address the  
4163 school's performance; and

4164 (ii) oversee and adjust the school's allocation expenditures until the LEA governing  
4165 board determines the school satisfies Subsection (2)(a)(i), (ii), or (iii).

4166 Section 89. Section **53G-8-702** is amended to read:

4167 **53G-8-702. School resource officer training -- Curriculum.**

4168 (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4169 Act, the state board shall make rules that prepare and make available a training program for  
4170 school principals and school resource officers to attend.

4171 (2) To create the curriculum and materials for the training program described in  
4172 Subsection (1), the state board shall:

4173 (a) work in conjunction with the State Commission on Criminal and Juvenile Justice  
4174 created in Section [63M-7-201](#);

4175 (b) solicit input from local school boards, charter school governing boards, and the  
4176 Utah Schools for the Deaf and the Blind;

4177 (c) solicit input from local law enforcement and other interested community

4178 stakeholders; and

4179 (d) consider the current United States Department of Education recommendations on  
4180 school discipline and the role of a school resource officer.

4181 (3) The training program described in Subsection (1) may include training on the  
4182 following:

4183 (a) childhood and adolescent development;

4184 (b) responding age-appropriately to students;

4185 (c) working with disabled students;

4186 (d) techniques to de-escalate and resolve conflict;

4187 (e) cultural awareness;

4188 (f) restorative justice practices;

4189 (g) identifying a student exposed to violence or trauma and referring the student to  
4190 appropriate resources;

4191 (h) student privacy rights;

4192 (i) negative consequences associated with youth involvement in the juvenile and  
4193 criminal justice systems;

4194 (j) strategies to reduce juvenile justice involvement; and

4195 (k) roles of and distinctions between a school resource officer and other school staff  
4196 who help keep a school secure.

4197 (4) The state board shall work together with the Department of Public Safety, the State  
4198 Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish  
4199 policies and procedures that govern student resource officers.

4200 Section 90. Section **53G-8-802** is amended to read:

4201 **53G-8-802. State Safety and Support Program -- State board duties.**

4202 (1) There is created the State Safety and Support Program.

4203 (2) The state board shall:

4204 (a) develop in conjunction with the Division of Substance Abuse and Mental Health  
4205 model student safety and support policies for an LEA, including:

4206 (i) evidence-based procedures for the assessment of and intervention with an individual  
4207 whose behavior poses a threat to school safety;

4208 (ii) procedures for referrals to law enforcement; and



- 4209 (iii) procedures for referrals to a community services entity, a family support  
4210 organization, or a health care provider for evaluation or treatment;
- 4211 (b) provide training:
- 4212 (i) in school safety;
- 4213 (ii) in evidence-based approaches to improve school climate and address and correct  
4214 bullying behavior;
- 4215 (iii) in evidence-based approaches in identifying an individual who may pose a threat  
4216 to the school community;
- 4217 (iv) in evidence-based approaches in identifying an individual who may be showing  
4218 signs or symptoms of mental illness;
- 4219 (v) on permitted disclosures of student data to law enforcement and other support  
4220 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
- 4221 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections  
4222 [53E-9-203](#) and [53E-9-305](#);
- 4223 (c) conduct and disseminate evidence-based research on school safety concerns;
- 4224 (d) disseminate information on effective school safety initiatives;
- 4225 (e) encourage partnerships between public and private sectors to promote school safety;
- 4226 (f) provide technical assistance to an LEA in the development and implementation of  
4227 school safety initiatives;
- 4228 (g) in conjunction with the Department of Public Safety, develop and make available to  
4229 an LEA a model critical incident response training program that includes protocols for  
4230 conducting a threat assessment, and ensuring building security during an incident;
- 4231 (h) provide space for the public safety liaison described in Section [53-1-106](#) and the  
4232 school-based mental health specialist described in Section [62A-15-103](#);
- 4233 (i) create a model school climate survey that may be used by an LEA to assess  
4234 stakeholder perception of a school environment and, in accordance with Title 63G, Chapter 3,  
4235 Utah Administrative Rulemaking Act, adopt rules:
- 4236 (i) requiring an LEA to:
- 4237 (A) create or adopt and disseminate a school climate survey; and
- 4238 (B) disseminate the school climate survey;
- 4239 (ii) recommending the distribution method, survey frequency, and sample size of the

4240 survey; and

4241 (iii) specifying the areas of content for the school climate survey; and

4242 (j) collect aggregate data and school climate survey results from each LEA.

4243 (3) Nothing in this section requires an individual to respond to a school climate survey.

4244 Section 91. Section **53G-9-607** is amended to read:

4245 **53G-9-607. Training, education, and prevention -- Standards.**

4246 (1) (a) An LEA governing board shall include in the training of a school employee  
4247 training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets  
4248 the standards described in Subsection (4).

4249 (b) An LEA governing board may offer voluntary training to parents and students  
4250 regarding abusive conduct.

4251 (2) To the extent that state or federal funding is available for this purpose, LEA  
4252 governing boards are encouraged to implement programs or initiatives, in addition to the  
4253 training described in Subsection (1), to provide for training and education regarding, and the  
4254 prevention of, bullying, hazing, abusive conduct, and retaliation.

4255 (3) The programs or initiatives described in Subsection (2) may involve:

4256 (a) the establishment of a bullying task force; or

4257 (b) the involvement of school employees, students, or law enforcement.

4258 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4259 Act, the state board shall make rules that establish standards for high quality training related to  
4260 bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

4261 Section 92. Section **53G-9-704** is amended to read:

4262 **53G-9-704. Youth suicide prevention training for employees.**

4263 (1) A school district or charter school shall require a licensed employee to complete a  
4264 minimum of two hours of professional development training on youth suicide prevention every  
4265 three years.

4266 (2) The state board shall:

4267 (a) develop or adopt sample materials to be used by a school district or charter school  
4268 for professional development training on youth suicide prevention; and

4269 (b) ~~[incorporate in rule]~~ by rule made in accordance with Title 63G, Chapter 3, Utah  
4270 Administrative Rulemaking Act, incorporate the training described in Subsection (1) into

4271 professional development training described in Section 53E-6-201.

4272 Section 93. Section 53G-9-801 is amended to read:

4273 **53G-9-801. Definitions.**

4274 As used in Section 53G-9-802:

4275 (1) "Attainment goal" means earning:

4276 (a) a high school diploma;

4277 (b) a Utah High School Completion Diploma, as defined in state board rule made in  
4278 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4279 (c) an Adult Education Secondary Diploma, as defined in state board rule made in  
4280 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

4281 (d) an employer-recognized, industry-based certificate that is:

4282 (i) likely to result in job placement; and

4283 (ii) included in the state board's approved career and technical education industry  
4284 certification list.

4285 (2) "Cohort" means a group of students, defined by the year in which the group enters  
4286 grade 9.

4287 (3) "Designated student" means a student:

4288 (a) (i) who has withdrawn from an LEA before earning a diploma;

4289 (ii) who has been dropped from average daily membership; and

4290 (iii) whose cohort has not yet graduated; or

4291 (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined  
4292 by the student's LEA, using risk factors defined in rules made by the state board in accordance  
4293 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4294 (4) "Graduation rate" means:

4295 (a) for a school district or a charter school that includes grade 12, the graduation rate  
4296 calculated by the state board for federal accountability and reporting purposes; or

4297 (b) for a charter school that does not include grade 12, a proxy graduation rate defined  
4298 in rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative  
4299 Rulemaking Act.

4300 (5) "Local education agency" or "LEA" means a school district or charter school that  
4301 serves students in grade 9, 10, 11, or 12.

4302 (6) "Nontraditional program" means a program, as defined in rules made by the state  
4303 board under Subsection 53E-3-501(1)(e), in which a student receives instruction through:

- 4304 (a) distance learning;  
4305 (b) online learning;  
4306 (c) blended learning; or  
4307 (d) competency-based learning.

4308 (7) "Statewide graduation rate" means:

- 4309 (a) for a school district or a charter school that includes grade 12, the statewide  
4310 graduation rate, as annually calculated by the state board; or  
4311 (b) for a charter school that does not include grade 12, the average graduation rate for  
4312 all charter schools that do not include grade 12.

4313 (8) "Third party" means:

- 4314 (a) a private provider; or  
4315 (b) an LEA that does not meet the criteria described in Subsection 53G-9-802(3).

4316 Section 94. Section 53G-10-304 is amended to read:

4317 **53G-10-304. Instruction on the flag of the United States of America.**

4318 (1) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4319 Act, the state board shall provide by rule for a program of instruction within the public schools  
4320 relating to the flag of the United States.

4321 (2) The instruction shall include the history of the flag, etiquette, customs pertaining to  
4322 the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to  
4323 10.

4324 (3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of  
4325 each day in each public school classroom in the state, led by a student in the classroom, as  
4326 assigned by the classroom teacher on a rotating basis.

4327 (b) Each student shall be informed by posting a notice in a conspicuous place that the  
4328 student has the right not to participate in reciting the pledge.

4329 (c) A student shall be excused from reciting the pledge upon written request from the  
4330 student's parent.

4331 (d) (i) At least once a year students shall be instructed that:

4332 (A) participation in the pledge of allegiance is voluntary and not compulsory; and

4333 (B) not only is it acceptable for someone to choose not to participate in the pledge of  
4334 allegiance for religious or other reasons, but students should show respect for any student who  
4335 chooses not to participate.

4336 (ii) A public school teacher shall strive to maintain an atmosphere among students in  
4337 the classroom that is consistent with the principles described in Subsection (3)(d)(i).

4338 Section 95. Section **53G-10-402** is amended to read:

4339 **53G-10-402. Instruction in health -- Parental consent requirements -- Conduct**  
4340 **and speech of school employees and volunteers -- Political and religious doctrine**  
4341 **prohibited.**

4342 (1) As used in this section:

4343 (a) "LEA governing board" means a local school board or charter school governing  
4344 board.

4345 (b) "Refusal skills" means instruction:

4346 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or  
4347 adult;

4348 (ii) in a student's obligation to stop the student's sexual advances if refused by another  
4349 individual;

4350 (iii) informing a student of the student's right to report and seek counseling for  
4351 unwanted sexual advances;

4352 (iv) in sexual harassment; and

4353 (v) informing a student that a student may not consent to criminally prohibited  
4354 activities or activities for which the student is legally prohibited from giving consent, including  
4355 the electronic transmission of sexually explicit images by an individual of the individual or  
4356 another.

4357 (2) (a) The state board shall establish curriculum requirements under Section  
4358 **53E-3-501** that include instruction in:

4359 (i) community and personal health;

4360 (ii) physiology;

4361 (iii) personal hygiene;

4362 (iv) prevention of communicable disease;

4363 (v) refusal skills; and

- 4364 (vi) the harmful effects of pornography.
- 4365 (b) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 4366 Act, the state board shall make rules that, and instruction shall:
- 4367 (i) stress the importance of abstinence from all sexual activity before marriage and
- 4368 fidelity after marriage as methods for preventing certain communicable diseases;
- 4369 (ii) stress personal skills that encourage individual choice of abstinence and fidelity;
- 4370 (iii) prohibit instruction in:
- 4371 (A) the intricacies of intercourse, sexual stimulation, or erotic behavior;
- 4372 (B) the advocacy of premarital or extramarital sexual activity; or
- 4373 (C) the advocacy or encouragement of the use of contraceptive methods or devices; and
- 4374 (iv) except as provided in Subsection (2)(d), allow instruction to include information
- 4375 about contraceptive methods or devices that stresses effectiveness, limitations, risks, and
- 4376 information on state law applicable to minors obtaining contraceptive methods or devices.
- 4377 (c) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 4378 Act, the state board shall make rules for an LEA governing board that adopts instructional
- 4379 materials under Subsection (2)(g)(ii) that:
- 4380 (i) require the LEA governing board to report on the materials selected and the LEA
- 4381 governing board's compliance with Subsection (2)(h); and
- 4382 (ii) provide for an appeal and review process of the LEA governing board's adoption of
- 4383 instructional materials.
- 4384 (d) The state board may not require an LEA to teach or adopt instructional materials
- 4385 that include information on contraceptive methods or devices.
- 4386 (e) (i) At no time may instruction be provided, including responses to spontaneous
- 4387 questions raised by students, regarding any means or methods that facilitate or encourage the
- 4388 violation of any state or federal criminal law by a minor or an adult.
- 4389 (ii) Subsection (2)(e)(i) does not preclude an instructor from responding to a
- 4390 spontaneous question as long as the response is consistent with the provisions of this section.
- 4391 (f) The state board shall recommend instructional materials for use in the curricula
- 4392 required under Subsection (2)(a) after considering evaluations of instructional materials by the
- 4393 State Instructional Materials Commission.
- 4394 (g) An LEA governing board may choose to adopt:

- 4395 (i) the instructional materials recommended under Subsection (2)(f); or  
4396 (ii) other instructional materials in accordance with Subsection (2)(h).  
4397 (h) An LEA governing board that adopts instructional materials under Subsection  
4398 (2)(g)(ii) shall:
- 4399 (i) ensure that the materials comply with state law and board rules;  
4400 (ii) base the adoption of the materials on the recommendations of the LEA governing  
4401 board's Curriculum Materials Review Committee; and  
4402 (iii) adopt the instructional materials in an open and regular meeting of the LEA  
4403 governing board for which prior notice is given to parents of students attending the respective  
4404 schools and an opportunity for parents to express their views and opinions on the materials at  
4405 the meeting.
- 4406 (3) (a) A student shall receive instruction in the courses described in Subsection (2) on  
4407 at least two occasions during the period that begins with the beginning of grade 8 and the end  
4408 of grade 12.
- 4409 (b) At the request of the state board, the Department of Health shall cooperate with the  
4410 state board in developing programs to provide instruction in those areas.
- 4411 (4) (a) The state board shall adopt rules that:
- 4412 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323  
4413 are complied with; and  
4414 (ii) require a student's parent to be notified in advance and have an opportunity to  
4415 review the information for which parental consent is required under Sections 76-7-322 and  
4416 76-7-323.
- 4417 (b) The state board shall also provide procedures for disciplinary action for violation of  
4418 Section 76-7-322 or 76-7-323.
- 4419 (5) (a) In keeping with the requirements of Section 53G-10-204, and because school  
4420 employees and volunteers serve as examples to their students, school employees or volunteers  
4421 acting in their official capacities may not support or encourage criminal conduct by students,  
4422 teachers, or volunteers.
- 4423 (b) To ensure the effective performance of school personnel, the limitations described  
4424 in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school  
4425 employee's or volunteer's official capacities if:

4426 (i) the employee or volunteer knew or should have known that the employee's or  
4427 volunteer's action could result in a material and substantial interference or disruption in the  
4428 normal activities of the school; and

4429 (ii) that action does result in a material and substantial interference or disruption in the  
4430 normal activities of the school.

4431 (c) The state board or an LEA governing board may not allow training of school  
4432 employees or volunteers that supports or encourages criminal conduct.

4433 (d) The state board shall adopt in accordance with Title 63G, Chapter 3, Utah  
4434 Administrative Rulemaking Act, rules implementing this section.

4435 (e) Nothing in this section limits the ability or authority of the state board or an LEA  
4436 governing board to enact and enforce rules or take actions that are otherwise lawful, regarding  
4437 educators', employees', or volunteers' qualifications or behavior evidencing unfitness for duty.

4438 (6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious,  
4439 or denominational doctrine may not be taught in the public schools.

4440 (7) (a) An LEA governing board and an LEA governing board's employees shall  
4441 cooperate and share responsibility in carrying out the purposes of this chapter.

4442 (b) An LEA governing board shall provide appropriate professional development for  
4443 the LEA governing board's teachers, counselors, and school administrators to enable them to  
4444 understand, protect, and properly instruct students in the values and character traits referred to  
4445 in this section and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204,  
4446 and 53G-10-205, and distribute appropriate written materials on the values, character traits, and  
4447 conduct to each individual receiving the professional development.

4448 (c) An LEA governing board shall make the written materials described in Subsection  
4449 (7)(b) available to classified employees, students, and parents of students.

4450 (d) In order to assist an LEA governing board in providing the professional  
4451 development required under Subsection (7)(b), the state board shall, as appropriate, contract  
4452 with a qualified individual or entity possessing expertise in the areas referred to in Subsection  
4453 (7)(b) to develop and disseminate model teacher professional development programs that an  
4454 LEA governing board may use to train the individuals referred to in Subsection (7)(b) to  
4455 effectively teach the values and qualities of character referenced in Subsection (7).

4456 (e) In accordance with the provisions of Subsection (5)(c), professional development



4457 may not support or encourage criminal conduct.

4458 (8) An LEA governing board shall review every two years:

4459 (a) LEA governing board policies on instruction described in this section;

4460 (b) for a local school board of a school district, data for each county that the school  
4461 district is located in, or, for a charter school governing board, data for the county in which the  
4462 charter school is located, on the following:

4463 (i) teen pregnancy;

4464 (ii) child sexual abuse; and

4465 (iii) sexually transmitted diseases and sexually transmitted infections; and

4466 (c) the number of pornography complaints or other instances reported within the  
4467 jurisdiction of the LEA governing board.

4468 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this  
4469 section, or the application thereof to any person or circumstance, is found to be  
4470 unconstitutional, the balance of this section shall be given effect without the invalid provision,  
4471 subsection, sentence, clause, phrase, or word.

4472 Section 96. Section **53G-10-406** is amended to read:

4473 **53G-10-406. Underage Drinking Prevention Program -- State board rules.**

4474 (1) As used in this section:

4475 (a) "Advisory council" means the Underage Drinking Prevention Program Advisory  
4476 Council created in this section.

4477 (b) "Program" means the Underage Drinking Prevention Program created in this  
4478 section.

4479 (c) "School-based prevention program" means an evidence-based program intended for  
4480 students aged 13 and older that:

4481 (i) is aimed at preventing underage consumption of alcohol;

4482 (ii) is delivered by methods that engage students in storytelling and visualization;

4483 (iii) addresses the behavioral risk factors associated with underage drinking; and

4484 (iv) provides practical tools to address the dangers of underage drinking.

4485 (2) There is created the Underage Drinking Prevention Program that consists of:

4486 (a) a school-based prevention program for students in grade 7 or 8; and

4487 (b) a school-based prevention program for students in grade 9 or 10 that increases

4488 awareness of the dangers of driving under the influence of alcohol.

4489 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each  
4490 school year to each student in grade 7 or 8 and grade 9 or 10.

4491 (b) An LEA shall select from the providers qualified by the state board under  
4492 Subsection (6) to offer the program.

4493 (4) The state board shall administer the program with input from the advisory council.

4494 (5) There is created the Underage Drinking Prevention Program Advisory Council  
4495 comprised of the following members:

4496 (a) the executive director of the Department of Alcoholic Beverage Control or the  
4497 executive director's designee;

4498 (b) the executive director of the Department of Health or the executive director's  
4499 designee;

4500 (c) the director of the Division of Substance Abuse and Mental Health or the director's  
4501 designee;

4502 (d) the director of the Division of Child and Family Services or the director's designee;

4503 (e) the director of the Division of Juvenile Justice Services or the director's designee;

4504 (f) the state superintendent or the state superintendent's designee; and

4505 (g) two members of the state board, appointed by the chair of the state board.

4506 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state  
4507 board shall qualify one or more providers to provide the program to an LEA.

4508 (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:

4509 (i) whether the provider's program complies with the requirements described in this  
4510 section;

4511 (ii) the extent to which the provider's underage drinking prevention program aligns  
4512 with core standards for Utah public schools; and

4513 (iii) the provider's experience in providing a program that is effective at reducing  
4514 underage drinking.

4515 (7) (a) The state board shall use money from the Underage Drinking Prevention  
4516 Program Restricted Account described in Section [53F-9-304](#) for the program.

4517 (b) The state board may use money from the Underage Drinking Prevention Program  
4518 Restricted Account to fund up to .5 of a full-time equivalent position to administer the

4519 program.

4520 (8) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4521 Act, the state board shall make rules that:

4522 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage  
4523 Drinking Prevention Program each school year to each student in grade 7 or 8 and grade 9 or  
4524 10; and

4525 (b) establish criteria for the state board to use in selecting a provider described in  
4526 Subsection (6).

4527 Section 97. Section **53G-10-502** is amended to read:

4528 **53G-10-502. Driver education established by school districts.**

4529 (1) (a) Local school districts may establish and maintain driver education for pupils.

4530 (b) A school or local school district that provides driver education shall provide an  
4531 opportunity for each pupil enrolled in that school or local school district to take the written test  
4532 when the pupil is 15 years and nine months of age.

4533 (c) Notwithstanding the provisions of Subsection (1)(b), a school or local school  
4534 district that provides driver education may provide an opportunity for each pupil enrolled in  
4535 that school or school district to take the written test when the pupil is 15 years of age.

4536 (2) The purpose of driver education is to help develop the knowledge, attitudes, habits,  
4537 and skills necessary for the safe operation of motor vehicles.

4538 (3) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4539 Act, the state board shall make rules for driver education offered in the public schools.

4540 (4) The rules under Subsection (3) shall:

4541 (a) require at least one hour of classroom training on the subject of railroad crossing  
4542 safety for each driver education pupil;

4543 (b) require instruction, based on data and information provided by the Division of Air  
4544 Quality, on:

4545 (i) ways drivers can improve air quality; and

4546 (ii) the harmful effects of vehicle emissions; and

4547 (c) establish minimum standards for approved driving ranges under Section  
4548 [53-3-505.5](#).

4549 (5) The requirements of Section [53-3-505.5](#) apply to any behind-the-wheel driving

4550 training provided as part of driver education offered under this part and used to satisfy the  
4551 driver training requirement under Section 53-3-204.

4552 Section 98. Section 53G-10-507 is amended to read:

4553 **53G-10-507. Driver education teachers certified as license examiners.**

4554 (1) The Driver License Division of the Department of Public Safety and the state board  
4555 shall establish procedures and standards to certify teachers of driver education classes under  
4556 this part to administer written and driving tests.

4557 (2) The division is the certifying authority.

4558 (3) (a) A teacher certified under this section shall give written and driving tests  
4559 designed for driver education classes authorized under this part.

4560 (b) The Driver License Division shall, in conjunction with the state board, establish  
4561 minimal standards for the driver education class tests that are at least as difficult as those  
4562 required to receive a class D operator's license under Title 53, Chapter 3, Uniform Driver  
4563 License Act.

4564 (c) A student who passes the written test but fails the driving test given by a teacher  
4565 certified under this section may apply for a learner permit or class D operator's license under  
4566 Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver  
4567 License Division office.

4568 (4) A student shall have a learner permit issued by the Driver License Division under  
4569 Section 53-3-210.5 in the student's immediate possession at all times when operating a motor  
4570 vehicle under this section.

4571 (5) A student who successfully passes the tests given by a certified driver education  
4572 teacher under this section satisfies the written and driving parts of the test required for a learner  
4573 permit or class D operator's license.

4574 (6) The Driver License Division and the state board shall establish procedures to  
4575 enable school districts to administer or process any tests for students to receive a learner permit  
4576 or class D operator's license.

4577 (7) The division and state board shall establish the standards and procedures required  
4578 under this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative  
4579 Rulemaking Act.

4580 Section 99. Section 53G-10-508 is amended to read:

4581 **53G-10-508. Programs authorized -- Minimum standards.**

4582 (1) Local school districts may:

4583 (a) allow students to complete the classroom training portion of driver education  
4584 through home study;

4585 (b) provide each parent with driver education instructional materials to assist in parent  
4586 involvement with driver education including behind-the-wheel driving materials;

4587 (c) offer driver education outside of school hours in order to reduce the cost of  
4588 providing driver education;

4589 (d) offer driver education through community education programs;

4590 (e) offer the classroom portion of driver education in the public schools and allow the  
4591 student to complete the behind-the-wheel portion with a private provider:

4592 (i) licensed under Section 53-3-504; and

4593 (ii) not associated with the school or under contract with the school under Subsection  
4594 53G-10-503(3); or

4595 (f) any combination of Subsections (1)(a) through (e).

4596 (2) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4597 Act, the state board shall establish in rule minimum standards for the school-related programs  
4598 under Subsection (1).

4599 Section 100. Section 53G-11-304 is amended to read:

4600 **53G-11-304. Educator exit survey -- Rulemaking -- Local education agencies to**  
4601 **create and administer exit surveys -- Reporting.**

4602 (1) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4603 Act, the state board shall make rules that establish:

4604 (a) minimum standards for an exit survey described in Subsection (2), including a  
4605 model exit survey; and

4606 (b) LEA exit survey reporting requirements.

4607 (2) An LEA shall, in accordance with the rules described in Subsection (1):

4608 (a) for an educator who is leaving employment at the LEA:

4609 (i) create an exit survey; and

4610 (ii) make the LEA's best effort to administer the exit survey to the educator before the  
4611 educator leaves employment at the LEA; and

4612 (b) report the results of an administered exit survey to the state board.

4613 (3) The state board shall:

4614 (a) before taking final action on the rules described in Subsection (1), report the  
4615 proposed rules to the Education Interim Committee and consider recommendations from the  
4616 committee regarding the proposed rules; and

4617 (b) on or before November 30, 2020, and as requested by the Education Interim  
4618 Committee, report to the committee on the results described in Subsection (2)(b).

4619 Section 101. Section **53G-11-504** is amended to read:

4620 **53G-11-504. Evaluation of employee performance.**

4621 (1) Except as provided in Subsection (2), a local school board shall require that the  
4622 performance of each school district employee be evaluated annually in accordance with rules of  
4623 the state board adopted in accordance with this part and Title 63G, Chapter 3, Utah  
4624 Administrative Rulemaking Act.

4625 (2) Rules adopted by the state board under Subsection (1) may include an exemption  
4626 from annual performance evaluations for a temporary employee or a part-time employee.

4627 Section 102. Section **53G-11-508** is amended to read:

4628 **53G-11-508. Summative evaluation timelines -- Review of summative evaluations.**

4629 (1) The person responsible for administering an educator's summative evaluation shall:

4630 (a) at least 15 days before an educator's first evaluation:

4631 (i) notify the educator of the evaluation process; and

4632 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;

4633 (b) allow the educator to respond to any part of the evaluation;

4634 (c) attach the educator's response to the evaluation if the educator's response is  
4635 provided in writing;

4636 (d) within 15 days after the evaluation process is completed, discuss the written  
4637 evaluation with the educator; and

4638 (e) based upon the educator's performance, assign to the educator one of the four levels  
4639 of performance described in Section **53G-11-507**.

4640 (2) An educator who is not satisfied with a summative evaluation may request a review  
4641 of the evaluation within 15 days after receiving the written evaluation.

4642 (3) (a) If a review is requested in accordance with Subsection (2), the school district

4643 superintendent or the superintendent's designee shall appoint a person not employed by the  
4644 school district who has expertise in teacher or personnel evaluation to review the evaluation  
4645 procedures and make recommendations to the superintendent regarding the educator's  
4646 summative evaluation.

4647 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4648 Act, the state board shall make rules prescribing standards for an independent review of an  
4649 educator's summative evaluation.

4650 (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be  
4651 conducted in accordance with state board rules made under Subsection (3)(b).

4652 Section 103. Section **53G-11-510** is amended to read:

4653 **53G-11-510. State board to describe a framework for the evaluation of educators.**

4654 (1) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4655 Act, the state board shall make rules:

4656 (a) describing a framework for the evaluation of educators that is consistent with the  
4657 requirements of Part 3, Licensed Employee Requirements, and Sections **53G-11-506**,  
4658 **53G-11-507**, **53G-11-508**, **53G-11-509**, **53G-11-510**, and **53G-11-511**; and

4659 (b) requiring an educator's summative evaluation to be based on:

4660 (i) educator professional standards established by the state board; and

4661 (ii) the requirements described in Subsection **53G-11-507**(1).

4662 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level  
4663 assessment scores in educator evaluation.

4664 Section 104. Section **53G-11-511** is amended to read:

4665 **53G-11-511. Report of performance levels.**

4666 (1) A school district shall report to the state board the number and percent of educators  
4667 in each of the four levels of performance assigned under Section **53G-11-508**.

4668 (2) The data reported under Subsection (1) shall be separately reported for the  
4669 following educator classifications:

4670 (a) administrators;

4671 (b) teachers, including separately reported data for provisional teachers and career  
4672 teachers; and

4673 (c) other classifications or demographics of educators as determined by the state board.

4674 (3) The state superintendent shall include the data reported by school districts under  
4675 this section in the State Superintendent's Annual Report required by Section 53E-3-301.

4676 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4677 Act, the state board shall make rules to ensure the privacy and protection of individual  
4678 evaluation data.

4679 Section 105. Section **53G-11-518** is amended to read:

4680 **53G-11-518. State board to make rules on performance compensation.**

4681 (1) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4682 Act, the state board shall make rules requiring a school district's employee compensation  
4683 system to be aligned with the district's annual evaluation system described in Section  
4684 **53G-11-507**.

4685 (2) Rules adopted under Subsection (1) shall:

4686 (a) establish a timeline for developing and implementing an employee compensation  
4687 system that is aligned with an annual evaluation system; and

4688 (b) provide that beginning no later than the 2016-17 school year:

4689 (i) any advancement on an adopted wage or salary schedule:

4690 (A) shall be based primarily on an evaluation; and

4691 (B) may not be based on end-of-level assessment scores; and

4692 (ii) an employee may not advance on an adopted wage or salary schedule if the  
4693 employee's rating on the most recent evaluation is at the lowest level of an evaluation  
4694 instrument.

4695 Section 106. Section **63A-1-105.5** is amended to read:

4696 **63A-1-105.5. Rulemaking authority of executive director.**

4697 The executive director shall, upon the recommendation of the appropriate division  
4698 directors or the director of the Office of Administrative Rules, make rules consistent with state  
4699 and federal law, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4700 Act, governing:

4701 (1) administrative services; and

4702 (2) the provision and use of administrative services furnished to state agencies and  
4703 institutions.

4704 Section 107. Section **63G-3-102** is amended to read:



4705 **63G-3-102. Definitions.**

4706 As used in this chapter:

4707 (1) "Administrative record" means information an agency relies upon when making a  
4708 rule under this chapter including:

4709 (a) the proposed rule, change in the proposed rule, and the rule analysis form;

4710 (b) the public comment received and recorded by the agency during the public  
4711 comment period;

4712 (c) the agency's response to the public comment;

4713 (d) the agency's analysis of the public comment; and

4714 (e) the agency's report of its decision-making process.

4715 (2) "Agency" means each state board, authority, commission, institution, department,  
4716 division, officer, or other state government entity other than the Legislature, its committees, the  
4717 political subdivisions of the state, or the courts, which is authorized or required by law to make  
4718 rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or  
4719 perform other similar actions or duties delegated by law.

4720 (3) "Bulletin" means the Utah State Bulletin.

4721 (4) "Catchline" means a short summary of each section, part, rule, or title of the code  
4722 that follows the section, part, rule, or title reference placed before the text of the rule and serves  
4723 the same function as boldface in legislation as described in Section [68-3-13](#).4724 (5) "Code" means the body of all effective rules as compiled and organized by the  
4725 office and entitled "Utah Administrative Code."4726 (6) "Department" means the Department of Administrative Services created in Section  
4727 [63A-1-104](#).4728 (7) "Director" means the director of the office.4729 [~~(7)~~] (8) "Effective" means operative and enforceable.4730 [~~(8)~~] (9) "Executive director" means the executive director of the department.4731 [~~(9)~~] (10) (a) "File" means to submit a document to the office as prescribed by the  
4732 [~~department~~] office.4733 [~~(b)~~] (11) "Filing date" means the day and time the document is recorded as received by  
4734 the office.4735 [~~(10)~~] (12) "Interested person" means any person affected by or interested in a

4736 proposed rule, amendment to an existing rule, or a nonsubstantive change made under Section  
4737 [63G-3-402](#).

4738 ~~[(11)]~~ (13) "Office" means the Office of Administrative Rules created in Section  
4739 [63G-3-401](#).

4740 ~~[(12)]~~ (14) "Order" means an agency action that determines the legal rights, duties,  
4741 privileges, immunities, or other interests of one or more specific persons, but not a class of  
4742 persons.

4743 ~~[(13)]~~ (15) "Person" means any individual, partnership, corporation, association,  
4744 governmental entity, or public or private organization of any character other than an agency.

4745 ~~[(14)]~~ (16) "Publication" or "publish" means making a rule available to the public by  
4746 including the rule or a summary of the rule in the bulletin.

4747 ~~[(15)]~~ (17) "Publication date" means the inscribed date of the bulletin.

4748 ~~[(16)]~~ (18) "Register" may include an electronic database.

4749 ~~[(17)]~~ (19) (a) "Rule" means an agency's written statement that:

4750 (i) is explicitly or implicitly required by state or federal statute or other applicable law;

4751 (ii) implements or interprets a state or federal legal mandate; and

4752 (iii) applies to a class of persons or another agency.

4753 (b) "Rule" includes the amendment or repeal of an existing rule.

4754 (c) "Rule" does not mean:

4755 (i) orders;

4756 (ii) an agency's written statement that applies only to internal management and that  
4757 does not restrict the legal rights of a public class of persons or another agency;

4758 (iii) the governor's executive orders or proclamations;

4759 (iv) opinions issued by the attorney general's office;

4760 (v) declaratory rulings issued by the agency according to Section [63G-4-503](#) except as  
4761 required by Section [63G-3-201](#);

4762 (vi) rulings by an agency in adjudicative proceedings, except as required by Subsection  
4763 [63G-3-201](#)(6); or

4764 (vii) an agency written statement that is in violation of any state or federal law.

4765 ~~[(18)]~~ (20) "Rule analysis" means the format prescribed by the ~~[department]~~ office to  
4766 summarize and analyze rules.

4767 [~~(19)~~] (21) "Small business" means a business employing fewer than 50 persons.

4768 [~~(20)~~] (22) "Substantive change" means a change in a rule that affects the application

4769 or results of agency actions.

4770 Section 108. Section **63G-3-201** is amended to read:

4771 **63G-3-201. When rulemaking is required.**

4772 (1) Each agency shall:

4773 (a) maintain a current version of its rules; and

4774 (b) make it available to the public for inspection during its regular business hours.

4775 (2) In addition to other rulemaking required by law, each agency shall make rules when  
4776 agency action:

4777 (a) authorizes, requires, or prohibits an action;

4778 (b) provides or prohibits a material benefit;

4779 (c) applies to a class of persons or another agency; and

4780 (d) is explicitly or implicitly authorized by statute.

4781 (3) Rulemaking is also required when an agency issues a written interpretation of a  
4782 state or federal legal mandate.

4783 (4) Rulemaking is not required when:

4784 (a) agency action applies only to internal agency management, inmates or residents of a  
4785 state correctional, diagnostic, or detention facility, persons under state legal custody, patients  
4786 admitted to a state hospital, members of the state retirement system, or, except as provided in  
4787 Title 53B, Chapter 27, Part 3, Student Civil Liberties Protection Act, students enrolled in a  
4788 state education institution;

4789 (b) a standardized agency manual applies only to internal fiscal or administrative  
4790 details of governmental entities supervised under statute;

4791 (c) an agency issues policy or other statements that are advisory, informative, or  
4792 descriptive, and do not conform to the requirements of Subsections (2) and (3); or

4793 (d) an agency makes nonsubstantive changes in a rule, except that the agency shall file  
4794 all nonsubstantive changes in a rule with the office.

4795 (5) (a) A rule shall enumerate any penalty authorized by statute that may result from its  
4796 violation, subject to Subsections (5)(b) and (c).

4797 (b) A violation of a rule may not be subject to the criminal penalty of a class C

4798 misdemeanor or greater offense, except as provided under Subsection (5)(c).

4799 (c) A violation of a rule may be subject to a class C misdemeanor or greater criminal  
4800 penalty under Subsection (5)(a) when:

4801 (i) authorized by a specific state statute;

4802 (ii) a state law and programs under that law are established in order for the state to  
4803 obtain or maintain primacy over a federal program; or

4804 (iii) state civil or criminal penalties established by state statute regarding the program  
4805 are equivalent to or less than corresponding federal civil or criminal penalties.

4806 (6) Each agency shall enact rules incorporating the principles of law not already in its  
4807 rules that are established by final adjudicative decisions within 120 days after the decision is  
4808 announced in its cases.

4809 (7) (a) Each agency may enact a rule that incorporates by reference:

4810 (i) all or any part of another code, rule, or regulation that has been adopted by a federal  
4811 agency, an agency or political subdivision of this state, an agency of another state, or by a  
4812 nationally recognized organization or association;

4813 (ii) state agency implementation plans mandated by the federal government for  
4814 participation in the federal program;

4815 (iii) lists, tables, illustrations, or similar materials that are subject to frequent change,  
4816 fully described in the rule, and are available for public inspection; or

4817 (iv) lists, tables, illustrations, or similar materials that the [~~executive director or the~~  
4818 ~~executive director's designee~~] director determines are too expensive to reproduce in the  
4819 administrative code.

4820 (b) Rules incorporating materials by reference shall:

4821 (i) be enacted according to the procedures outlined in this chapter;

4822 (ii) state that the referenced material is incorporated by reference;

4823 (iii) state the date, issue, or version of the material being incorporated; and

4824 (iv) define specifically what material is incorporated by reference and identify any  
4825 agency deviations from it.

4826 (c) The agency shall identify any substantive changes in the material incorporated by  
4827 reference by following the rulemaking procedures of this chapter.

4828 (d) The agency shall maintain a complete and current copy of the referenced material

4829 available for public review at the agency and at the office.

4830 (8) (a) This chapter is not intended to inhibit the exercise of agency discretion within  
4831 the limits prescribed by statute or agency rule.

4832 (b) An agency may enact a rule creating a justified exception to a rule.

4833 (9) An agency may obtain assistance from the attorney general to ensure that its rules  
4834 meet legal and constitutional requirements.

4835 Section 109. Section **63G-3-301** is amended to read:

4836 **63G-3-301. Rulemaking procedure.**

4837 (1) An agency authorized to make rules is also authorized to amend or repeal those  
4838 rules.

4839 (2) Except as provided in Sections [63G-3-303](#) and [63G-3-304](#), when making,  
4840 amending, or repealing a rule agencies shall comply with:

4841 (a) the requirements of this section;

4842 (b) consistent procedures required by other statutes;

4843 (c) applicable federal mandates; and

4844 (d) rules made by the ~~[department]~~ office to implement this chapter.

4845 (3) Subject to the requirements of this chapter, each agency shall develop and use  
4846 flexible approaches in drafting rules that meet the needs of the agency and that involve persons  
4847 affected by the agency's rules.

4848 (4) (a) Each agency shall file the agency's proposed rule and rule analysis with the  
4849 office.

4850 (b) Rule amendments shall be marked with new language underlined and deleted  
4851 language struck out.

4852 (c) (i) The office shall publish the information required under Subsection (8) on the  
4853 rule analysis and the text of the proposed rule in the next issue of the bulletin.

4854 (ii) For rule amendments, only the section or subsection of the rule being amended  
4855 need be printed.

4856 (iii) If the ~~[executive director or the executive director's designee]~~ director determines  
4857 that the rule is too long to publish, the office shall publish the rule analysis and shall publish  
4858 the rule by reference to a copy on file with the office.

4859 (5) Before filing a rule with the office, the agency shall conduct a thorough analysis,

4860 consistent with the criteria established by the Governor's Office of Management and Budget, of  
4861 the fiscal impact a rule may have on businesses, which criteria may include:

4862 (a) the type of industries that will be impacted by the rule, and for each identified  
4863 industry, an estimate of the total number of businesses within the industry, and an estimate of  
4864 the number of those businesses that are small businesses;

4865 (b) the individual fiscal impact that would incur to a typical business for a one-year  
4866 period;

4867 (c) the aggregated total fiscal impact that would incur to all businesses within the state  
4868 for a one-year period;

4869 (d) the total cost that would incur to all impacted entities over a five-year period; and

4870 (e) the department head's comments on the analysis.

4871 (6) If the agency reasonably expects that a proposed rule will have a measurable  
4872 negative fiscal impact on small businesses, the agency shall consider, as allowed by federal  
4873 law, each of the following methods of reducing the impact of the rule on small businesses:

4874 (a) establishing less stringent compliance or reporting requirements for small  
4875 businesses;

4876 (b) establishing less stringent schedules or deadlines for compliance or reporting  
4877 requirements for small businesses;

4878 (c) consolidating or simplifying compliance or reporting requirements for small  
4879 businesses;

4880 (d) establishing performance standards for small businesses to replace design or  
4881 operational standards required in the proposed rule; and

4882 (e) exempting small businesses from all or any part of the requirements contained in  
4883 the proposed rule.

4884 (7) If during the public comment period an agency receives comment that the proposed  
4885 rule will cost small business more than one day's annual average gross receipts, and the agency  
4886 had not previously performed the analysis in Subsection (6), the agency shall perform the  
4887 analysis described in Subsection (6).

4888 (8) The rule analysis shall contain:

4889 (a) a summary of the rule or change;

4890 (b) the purpose of the rule or reason for the change;

- 4891 (c) the statutory authority or federal requirement for the rule;
- 4892 (d) the anticipated cost or savings to:
- 4893 (i) the state budget;
- 4894 (ii) local governments;
- 4895 (iii) small businesses; and
- 4896 (iv) persons other than small businesses, businesses, or local governmental entities;
- 4897 (e) the compliance cost for affected persons;
- 4898 (f) how interested persons may review the full text of the rule;
- 4899 (g) how interested persons may present their views on the rule;
- 4900 (h) the time and place of any scheduled public hearing;
- 4901 (i) the name and telephone number of an agency employee who may be contacted
- 4902 about the rule;
- 4903 (j) the name of the agency head or designee who authorized the rule;
- 4904 (k) the date on which the rule may become effective following the public comment
- 4905 period;
- 4906 (l) the agency's analysis on the fiscal impact of the rule as required under Subsection
- 4907 (5);
- 4908 (m) any additional comments the department head may choose to submit regarding the
- 4909 fiscal impact the rule may have on businesses; and
- 4910 (n) if applicable, a summary of the agency's efforts to comply with the requirements of
- 4911 Subsection (6).
- 4912 (9) (a) For a rule being repealed and reenacted, the rule analysis shall contain a
- 4913 summary that generally includes the following:
- 4914 (i) a summary of substantive provisions in the repealed rule which are eliminated from
- 4915 the enacted rule; and
- 4916 (ii) a summary of new substantive provisions appearing only in the enacted rule.
- 4917 (b) The summary required under this Subsection (9) is to aid in review and may not be
- 4918 used to contest any rule on the ground of noncompliance with the procedural requirements of
- 4919 this chapter.
- 4920 (10) A copy of the rule analysis shall be mailed to all persons who have made timely
- 4921 request of the agency for advance notice of the agency's rulemaking proceedings and to any

4922 other person who, by statutory or federal mandate or in the judgment of the agency, should also  
4923 receive notice.

4924 (11) (a) Following the publication date, the agency shall allow at least 30 days for  
4925 public comment on the rule.

4926 (b) The agency shall review and evaluate all public comments submitted in writing  
4927 within the time period under Subsection (11)(a) or presented at public hearings conducted by  
4928 the agency within the time period under Subsection (11)(a).

4929 (12) (a) Except as provided in Sections 63G-3-303 and 63G-3-304, a proposed rule  
4930 becomes effective on any date specified by the agency that is:

4931 (i) no fewer than seven calendar days after the day on which the public comment  
4932 period closes under Subsection (11); and

4933 (ii) no more than 120 days after the day on which the rule is published.

4934 (b) The agency shall provide notice of the rule's effective date to the office in the form  
4935 required by the [department] office.

4936 (c) The notice of effective date may not provide for an effective date before the day on  
4937 which the office receives the notice.

4938 (d) The office shall publish notice of the effective date of the rule in the next issue of  
4939 the bulletin.

4940 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is  
4941 not filed with the office within 120 days after the day on which the rule is published.

4942 (13) (a) Except as provided in Subsection (13)(d), before an agency enacts a rule, the  
4943 agency shall submit to the appropriations subcommittee and interim committee with  
4944 jurisdiction over the agency the agency's proposed rule for review, if the proposed rule, over a  
4945 three-year period, has a fiscal impact of more than:

4946 (i) \$250,000 to a single person; or

4947 (ii) \$7,500,000 to a group of persons.

4948 (b) An appropriations subcommittee or interim committee that reviews a rule  
4949 submitted under Subsection (13)(a) shall:

4950 (i) before the review, directly inform the chairs of the Administrative Rules Review  
4951 Committee of the coming review, including the date, time, and place of the review; and

4952 (ii) after the review, directly inform the chairs of the Administrative Rules Review



4953 Committee of the outcome of the review, including any recommendation.

4954 (c) An appropriations subcommittee or interim committee that reviews a rule submitted  
4955 under Subsection (13)(a) may recommend to the Administrative Rules Review Committee that  
4956 the Administrative Rules Review Committee not recommend reauthorization of the rule in the  
4957 omnibus legislation described in Section [63G-3-502](#).

4958 (d) The requirement described in Subsection (13)(a) does not apply to:

4959 (i) the State Tax Commission; or

4960 (ii) the State Board of Education.

4961 (14) (a) As used in this Subsection (14), "initiate rulemaking proceedings" means the  
4962 filing, for the purposes of publication in accordance with Subsection (4), of an agency's  
4963 proposed rule that is required by state statute.

4964 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the  
4965 day on which the statutory provision that specifically requires the rulemaking takes effect,  
4966 except under Subsection (14)(c).

4967 (c) When a statute is enacted that requires agency rulemaking and the affected agency  
4968 already has rules in place that meet the statutory requirement, the agency shall submit the rules  
4969 to the Administrative Rules Review Committee for review within 60 days after the day on  
4970 which the statute requiring the rulemaking takes effect.

4971 (d) If a state agency does not initiate rulemaking proceedings in accordance with the  
4972 time requirements in Subsection (14)(b), the state agency shall appear before the legislative  
4973 Administrative Rules Review Committee and provide the reasons for the delay.

4974 Section 110. Section [63G-3-401](#) is amended to read:

4975 **63G-3-401. Office of Administrative Rules created -- Director.**

4976 (1) There is created within the Department of Administrative Services the Office of  
4977 Administrative Rules, to be administered by a [~~coordinator~~] director.

4978 (2) (a) The executive director shall appoint the director.

4979 [~~(2)~~] (b) The [~~coordinator~~] director shall hire, train, and supervise staff necessary for  
4980 the office to carry out the provisions of this chapter.

4981 Section 111. Section [63G-3-402](#) is amended to read:

4982 **63G-3-402. Office of Administrative Rules -- Duties generally.**

4983 (1) The office shall:

- 4984 (a) record in a register the receipt of all agency rules, rule analysis forms, and notices  
4985 of effective dates;
- 4986 (b) make the register, copies of all proposed rules, and rulemaking documents available  
4987 for public inspection;
- 4988 (c) publish all proposed rules, rule analyses, notices of effective dates, and review  
4989 notices in the bulletin at least monthly, except that the office may publish the complete text of  
4990 any proposed rule that the [~~executive director or the executive director's designee~~] director  
4991 determines is too long to print or too expensive to publish by reference to the text maintained  
4992 by the office;
- 4993 (d) compile, format, number, and index all effective rules in an administrative code,  
4994 and periodically publish that code and supplements or revisions to it;
- 4995 (e) publish a digest of all rules and notices contained in the most recent bulletin;
- 4996 (f) publish at least annually an index of all changes to the administrative code and the  
4997 effective date of each change;
- 4998 (g) print, or contract to print, all rulemaking publications the [~~executive~~] director  
4999 determines necessary to implement this chapter;
- 5000 (h) distribute without charge the bulletin and administrative code to state-designated  
5001 repositories, the Administrative Rules Review Committee, the Office of Legislative Research  
5002 and General Counsel, and the two houses of the Legislature;
- 5003 (i) distribute without charge the digest and index to state legislators, agencies, political  
5004 subdivisions on request, and the Office of Legislative Research and General Counsel;
- 5005 (j) distribute, at prices covering publication costs, all paper rulemaking publications to  
5006 all other requesting persons and agencies;
- 5007 (k) provide agencies assistance in rulemaking;
- 5008 (l) if the department operates the office as an internal service fund agency in  
5009 accordance with Section [63A-1-109.5](#), submit to the Rate Committee established in Section  
5010 [63A-1-114](#):
- 5011 (i) the proposed rate and fee schedule as required by Section [63A-1-114](#); and  
5012 (ii) other information or analysis requested by the Rate Committee;
- 5013 (m) administer this chapter and require state agencies to comply with filing,  
5014 publication, and hearing procedures; and

5015 (n) make technological improvements to the rulemaking process, including  
5016 improvements to automation and digital accessibility.

5017 (2) The [department] office shall establish by rule in accordance with Title 63G,  
5018 Chapter 3, Utah Administrative Rulemaking Act, all filing, publication, and hearing procedures  
5019 necessary to make rules under this chapter.

5020 (3) The office may after notifying the agency make nonsubstantive changes to rules  
5021 filed with the office or published in the bulletin or code by:

5022 (a) implementing a uniform system of formatting, punctuation, capitalization,  
5023 organization, numbering, and wording;

5024 (b) correcting obvious errors and inconsistencies in punctuation, capitalization,  
5025 numbering, referencing, and wording;

5026 (c) changing a catchline to more accurately reflect the substance of each section, part,  
5027 rule, or title;

5028 (d) updating or correcting annotations associated with a section, part, rule, or title; and

5029 (e) merging or determining priority of any amendment, enactment, or repeal to the  
5030 same rule or section made effective by an agency.

5031 (4) In addition, the office may make the following nonsubstantive changes with the  
5032 concurrence of the agency:

5033 (a) eliminate duplication within rules;

5034 (b) eliminate obsolete and redundant words; and

5035 (c) correct defective or inconsistent section and paragraph structure in arrangement of  
5036 the subject matter of rules.

5037 (5) For nonsubstantive changes made in accordance with Subsection (3) or (4) after  
5038 publication of the rule in the bulletin, the office shall publish a list of nonsubstantive changes  
5039 in the bulletin. For each nonsubstantive change, the list shall include:

5040 (a) the affected code citation;

5041 (b) a brief description of the change; and

5042 (c) the date the change was made.

5043 (6) All funds appropriated or collected for publishing the office's publications shall be  
5044 nonlapsing.

5045 Section 112. Section **63G-3-403** is amended to read:

5046 **63G-3-403. Repeal and reenactment of Utah Administrative Code.**

5047 (1) When the [~~executive~~] director determines that the Utah Administrative Code  
5048 requires extensive revision and reorganization, the office may repeal the code and reenact a  
5049 new code according to the requirements of this section.

5050 (2) The office may:

5051 (a) reorganize, reformat, and renumber the code;

5052 (b) require each agency to review its rules and make any organizational or substantive  
5053 changes according to the requirements of Section 63G-3-303; and

5054 (c) require each agency to prepare a brief summary of all substantive changes made by  
5055 the agency.

5056 (3) The office may make nonsubstantive changes in the code by:

5057 (a) adopting a uniform system of punctuation, capitalization, numbering, and wording;

5058 (b) eliminating duplication;

5059 (c) correcting defective or inconsistent section and paragraph structure in arrangement  
5060 of the subject matter of rules;

5061 (d) eliminating all obsolete or redundant words;

5062 (e) correcting obvious errors and inconsistencies in punctuation, capitalization,  
5063 numbering, referencing, and wording;

5064 (f) changing a catchline to more accurately reflect the substance of each section, part,  
5065 rule, or title;

5066 (g) updating or correcting annotations associated with a section, part, rule, or title; and

5067 (h) merging or determining priority of any amendment, enactment, or repeal to the  
5068 same rule or section made effective by an agency.

5069 (4) (a) To inform the public about the proposed code reenactment, the office shall  
5070 publish in the bulletin:

5071 (i) notice of the code reenactment;

5072 (ii) the date, time, and place of a public hearing where members of the public may  
5073 comment on the proposed reenactment of the code;

5074 (iii) locations where the proposed reenactment of the code may be reviewed; and

5075 (iv) agency summaries of substantive changes in the reenacted code.

5076 (b) To inform the public about substantive changes in agency rules contained in the

5077 proposed reenactment, each agency shall:

5078 (i) make the text of their reenacted rules available:

5079 (A) for public review during regular business hours; and

5080 (B) in an electronic version; and

5081 (ii) comply with the requirements of Subsection 63G-3-301(10).

5082 (5) The office shall hold a public hearing on the proposed code reenactment no fewer  
5083 than 30 days nor more than 45 days after the publication required by Subsection (4)(a).

5084 (6) The office shall distribute complete text of the proposed code reenactment without  
5085 charge to:

5086 (a) state-designated repositories in Utah;

5087 (b) the Administrative Rules Review Committee; and

5088 (c) the Office of Legislative Research and General Counsel.

5089 (7) The former code is repealed and the reenacted code is effective at noon on a date  
5090 designated by the office that is not fewer than 45 days nor more than 90 days after the  
5091 publication date required by this section.

5092 (8) Repeal and reenactment of the code meets the requirements of Section 63G-3-305  
5093 for a review of all agency rules.

5094 Section 113. Section 63G-3-601 is amended to read:

5095 **63G-3-601. Interested parties -- Petition for agency action.**

5096 (1) As used in this section, "initiate rulemaking proceedings" means the filing, for the  
5097 purposes of publication in accordance with Subsection 63G-3-301(4), of an agency's proposed  
5098 rule to implement a petition for the making, amendment, or repeal of a rule as provided in this  
5099 section.

5100 (2) An interested person may petition an agency to request the making, amendment, or  
5101 repeal of a rule.

5102 (3) The [department] office shall prescribe by rule the form for petitions and the  
5103 procedure for their submission, consideration, and disposition.

5104 (4) A statement shall accompany the proposed rule, or proposed amendment or repeal  
5105 of a rule, demonstrating that the proposed action is within the jurisdiction of the agency and  
5106 appropriate to the powers of the agency.

5107 (5) Within 60 days after submission of a petition, the agency shall either deny the

5108 petition in writing, stating its reasons for the denial, or initiate rulemaking proceedings.

5109           (6) (a) If the petition is submitted to a board that has been granted rulemaking authority  
5110 by the Legislature, the board shall, within 45 days of the submission of the petition, place the  
5111 petition on its agenda for review.

5112           (b) Within 80 days of the submission of the petition, the board shall either:

5113           (i) deny the petition in writing stating its reasons for denial; or

5114           (ii) initiate rulemaking proceedings.

5115           (7) If the agency or board has not provided the petitioner written notice that the agency  
5116 has denied the petition or initiated rulemaking proceedings within the time limitations specified  
5117 in Subsection (5) or (6) respectively, the petitioner may seek a writ of mandamus in state  
5118 district court.